

ALBERT SIROIS – RESIDENTIAL OVERBOARD DISCHARGE PERMIT RENEWAL
DEP APPROVAL #W-003648-5A-D-R (appeal submitted by Herman Turndorf)

- Appeal Submitted by Mr. Turndorf

032

ROBERT J. LEVINE
ESTHER R. BARNHART
RANDAL E. WATKINSON
ERIC B. MORSE
PATRICK J. MELLOR
LAUREN C. HALL

CURTIS M. PAYSON (1918-1999)
JOSEPH B. PELLICANI (1936-1988)

LAW OFFICES
OF
STROUT & PAYSON, P.A.
POST OFFICE BOX 248
ROCKLAND, MAINE 04841-0248

10 MASONIC STREET
ROCKLAND

TELEPHONE
207-594-8400

FAX
207-594-2724

E-MAIL
mellor@sp.midcoast.com

March 4, 2010

Chair, Board of Environmental Protection
c/o Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

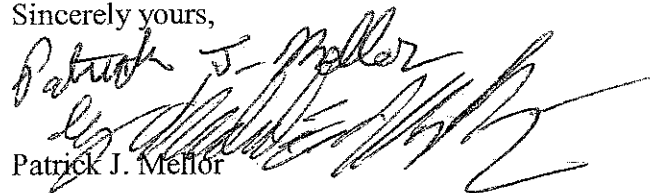
Re: Turndorf Appeal of Sirois WDL, Application #W003648-5A-D-R

Dear Chair of the Board:

Enclosed in connection with the above-referenced matter, please find a Summary filed on behalf of Mr. Herman Turndorf.

Thank you for your attention to this matter.

Sincerely yours,


Patrick J. Mellor

PJM/seg

Enclosure

cc: Albert Sirois
Client

P:\Turndorf, Herman, Dr. (and Mike Turndorf)\DEP 3-4-10 letter.

For Submission to the Board of Environmental Protection

TURNDORF APPEAL OF SIROIS WDL, APPLICATION #W003648-5A-D-R

SUMMARY

The Maine Department of Environmental Protection ("DEP") erroneously issued Mr. Albert Sirois ("Mr. Sirois") a renewal for an overboard discharge ("OBD") license (the "License" or the "OBD license"). The first error was made at the time of the transfer of the License from Mr. John Alley to Mr. Sirois back in 1987. The subsequent renewals were also in error. The most recent renewal - February 3, 2010 - is the most recent error. The chain of erroneous licencing decisions stems from flawed information provided to the DEP and the DEP's failure to implement the mandates of 1987 legislation governing OBD licenses and rules promulgated under said legislation.

The License ostensibly permits Mr. Sirois to discharge 300 gallons of pollutants, daily, into the Little River in Boothbay, Maine. The License is attached to a property that - according to documents in the DEP file and the Town of Boothbay assessment records - did not utilize the OBD system prior to the 1987 passage and implementation of Title 38 Chapter 3, titled "Protection and Improvement of Waters".

Additionally, the License is attached to a property that is not owned by the licensee; this despite the fact that there is no record in the DEP file indicating that the licensee no longer owns the subject property. The subject property actually belongs to Sirois Associates. Further, the structure on the Sirois Associates property consists of a garage/cottage that has not been used as a year-round residence either prior to - or since - the issuance of the License; yet, the licensee

enjoys a year-round license.

Lastly, the system in question has not been scrutinized to determine whether there is an alternative system that could be implemented. Given that the current licensee owns property across the dirt road from the licensed property, there may be an opportunity to hook that current OBD system into the licensee's system on the abutting property. In any event, there is no evidence in the file indicating that this option - or other less environmentally damaging options - have been explored.

The erroneous issuance of the License is the result of (1) flawed application of new governing statutes at the time of issuance to Mr. Sirois in 1987, and (2) an inaccurate factual history relied upon by the DEP.

I. PROCEDURAL / FACTUAL HISTORY

In 1981 Mr. John Alley of Boothbay submitted an Application for Sanitary Waste Water Discharge License to the DEP. See Exhibit A. The initial application (in Section VI) indicates that the new system would serve an average of four people. According to DEP records Mr. Alley was issued license number 3648 on or about December 21, 1982. See Exhibit B.

A. As of January, 1987, the OBD system was not yet fully installed and operating.

According to an internal memorandum from the DEP dated 10/1/86, it appears as though construction of the system had not been commenced in the fall of 1986. See Exhibit C. Exhibit C is dated October 1, 1986 but the note on that document indicates that someone from the DEP inspected the system "during construction" most likely sometime after October 1, 1986. This conclusion is supported by a "Report of Phone Call" document, which shows that as of December 2, 1986, the system has not been utilized by Mr. Alley at all. See Exhibit D. The Report of Phone

Call indicates that "He [Mr. Alley] knew it [the discharge pipe] wasn't long enough but since they're not using it and haven't used it yet he thought they'd get it taken care of in the spring [of 1987]."

Further, as of January, 1987, the system was not complete in the eyes of the DEP. A January 13 letter from the DEP indicates that the DEP had approved the License on January 13, 1987 but that the system was not in working condition. The letter states as follows:

As we discussed over the telephone, you plan to do some finish work on the sandfilter system in the spring. This work will include adding an extension to the discharge line to bring it to below mean low water, stabilizing the bank along the shore where the line was cut in, and reseeding the area over the filter bed, if necessary. Once these last items are taken care of your system should be satisfactory.

See Exhibit E. Clearly then, in the spring of 1987, the system was not yet complete and not in use.

B. In June of 1987 the real estate - and OBD license - were transferred from the Mr. and Mrs. Alley to Mr. and Mrs. Sirois.

On June 7, 1987, the property licensed for the OBD was transferred from John Alley and Dorothy Alley to Albert Sirois and Agnes Sirois. See Exhibit F. On the same date, Mr. Sirois submitted an Application for Transfer of a Wastewater Discharge License. See Exhibit G. The Application for Transfer indicates that the system would be serving two bedrooms and one bathroom. On October 16, 1987, the DEP responded with a letter indicating that because of the implementaion of new laws [38 MRSA § 464 et. seq.], the application would not be processed immediately. The letter stated further that "[t]his law prohibits the issuance of new overboard discharge licenses and strictly regulates the renewal and transfer process of existing licences."

See Exhibit H.

C. Mr. Sirois - the licensee - no longer owns the real estate benefitting from the License.

Interestingly, one week after the real estate transfer from Mr. and Mrs. Alley to Mr. and Mrs. Sirois, the real estate benefitting from the OBD license in question was transferred from Albert Sirois & Agnes Sirois to Sirois Associates in a deed found at Book 1432, Page 191 of the Lincoln County Registry of Deeds. See Exhibit I. Oddly, in 2001 the DEP looked into the ownership issue and was apparently told by Mr. Sirois that "Albert Sirois still owns property." Obviously, that has not been true since 1987. See Exhibit J.¹

Sirois Associates is - according to its Annual Report from 1993 - a small boatyard. See Exhibit K. The Annual Report also shows that ownership of the real estate is vested - at least partly - in Jeanne M. Patrizi of Stafford, New Hampshire. Further, the Change of Clerk document (Exhibit L) shows that Suzanne Harmon is the President of the corporation, presumably with all of the powers and control that accompany the position of president of a corporation.

D. The structure on the subject property is not a year-round residence. Further, according to assessment records, the structure on the premises was not built until 1989.

A review of assessment records from the Town of Boothbay shows that the building on the real estate now owned by Sirois Associates was not built until 1989. See Exhibit M. Further it is clear that neither Mr. Alley nor Mr. Sirois have used the property benefitting from the OBD license as a year-round residence or a primary residence. Instead, it has been used as a workshop for a small boatyard - perhaps with occasional overnight guests.

¹Exhibit J also indicates that the License - according to 1988 notes - should be seasonal (see Section E, below).

E. The system was intended to be seasonal, at best.

An inter-department memo sent from Richard S. Behr on August 19, 1988, indicates that the system “can’t meet seasonal conversion.” See Exhibit N. The Department subsequently granted the Application for Transfer on October 3, 1988 but was silent as to scope.² A “sticky note” on Exhibit N asks the pointed - but as of yet unanswered - question “1988 data = cannot be seasonably converted. How did this get changed to > 6 months use?? (First ‘94 order was for seasonal use).”

In October of 1993, Mr. Sirois submitted a Waste Discharge License Renewal with the DEP. See Exhibit O. That document indicates that (A) the use would be seasonal and (B) that the system only served one bedroom.

On or about March 30, 2004, the DEP granted a Conditional Permit Renewal. Exhibit P. The March renewal indicated that “The discharge occurs for less than six months of the year.” Exhibit P, p. 2. It also indicated that “The discharge shall not occur before May 1, and shall cease before October 15, of each year.” Exhibit P, p. 3. The last page of Exhibit P is a worksheet that properly indicates that (if there was to be any permit) the permit was seasonal in nature. Subsequently, and with no explanation in the DEP file for the change, the Conditional Permit Renewal was modified and omitted the two provisions referenced above. See Exhibit Q.

F. Current Application.

Most recently, Mr. Sirois submitted WDL Application #W003648-5A-D-R to the DEP on or about January 8, 2010. The application indicates that (A) there was a dwelling attached to the

²As discussed further below, it is Dr. Turndorf’s position that this was the Department’s error, given the mandate of 38 MRSA § 464 et. seq.

OBD as of June 1, 1987 and (B) that the facility was used on a year-round basis as of June 1, 1987. See Exhibit R. This information is inaccurate at best. As the Tax Assessor for the Town of Boothbay, the Town Manager for the Town of Boothbay or any other person with personal knowledge will attest, the property in question is not used as a dwelling - and is not used on a year-round basis now, much less in June of 1987.

In any event, as an abutter to the Sirois Associates' property, located at 33 Tecumseh Trail, Boothbay, Maine, Dr. Herman Turndorf ("Dr. Turndorf") received a copy of the Public Notice provided in relation to this application. On February 2, 2010, the DEP-issued a Public Notice. Under the terms of that Public Notice,

A request for a public hearing or request that the Board of Environmental Protection assume jurisdiction over this application must be received by the DEP, in writing, no later than 20 days after the application is found acceptable for processing, or 30 days from the date of this notice, whichever is longer.

Additionally, pursuant to 06-096 CMR 522(8)(b), "[p]ublic notice of the filing of an application for a permit required under paragraph (a) of this section shall allow at least 30 days for public comment during which additional information or a hearing may be requested." This language corresponds with the language contained in the DEP-issued Public Notice, cited previously. Mr. Sirois' application was reviewed and accepted for processing on January 13, 2010. However, despite 06-096 CMR 522(8)(b), the DEP issued Mr. Sirois' license on February 3, 2010, prior to the expiration of the 30 day period, thereby precluding Dr. Turndorf from exercising his rights to request a public hearing and/or for the BEP to assume jurisdiction.

G. Dr. Turndorf submits a timely request for public hearing / request that Board of Environmental Protection assume jurisdiction.

In the meantime, on January 29, 2010, Dr. Turndorf's counsel attempted to contact Mike

Demarest, the contact person listed on the DEP's website for OBD's, and left a voicemail indicating that Dr. Turndorf would be objecting to the permit and requesting a public hearing on the issue. Dr. Turndorf's counsel spoke with Mr. Demarest on February 2, 2010, and confirmed that written request for hearing should be sent to DEP, Division of Water Quality Management, Waste Discharge License Coordinator, within 30 days of the date of the Public Notice (which Notice is dated January 8, 2010). Mr. Demarest also indicated at that time that specific inquiries regarding the Sirois application should be directed to Bill Hinkel, the DEP's project analyst for this matter. The next day, February 3, 2010, Dr. Turndorf's counsel submitted a written request for a public hearing, or, in the alternative, a request that the Board of Environmental Protection assume jurisdiction, to Mr. Hinkel. This request was well within the 30-day limit provided in the DEP issued Notice and required under 06-096 CMR 522(8)(b).

II. AGGRIEVED STATUS

Dr. Turndorf has standing to maintain this appeal, as he is an abutter to the small boatyard. Any overboard discharge from the Sirois Associates property directly impacts Dr. Turndorf's use of his property. A DEP inter-departmental memo dated February 17, 1988, states "[r]emoval of this discharge alone or in combination with the removal of other discharges in the area" will "likely result in attainment of the designated uses for marine resources. . . .OWD's are the predominant cause of lowered water quality" in this area. Dr. Turndorf's property fronts on the same river as the Sirois Associates' property and, accordingly, any discharge into the water caused by Mr. Sirois directly affects Dr. Turndorf.

III. ARGUMENT

The reasons for the repeal of licensee's OBD license are various, sundry and compelling. They include, but are not limited to, the following: the licensee's failure to comply with the requirements relating to the transfer of property benefitting from an OBD license; the licensee's subsequent affirmative representation that the property had not been transferred to a new party; the licensee's inaccurate statements relied upon by the DEP relative to the nature and character of the property; the DEP's failure to properly implement the 1987 legislation and governing regulations relative to volume and seasonal use for the OBD license prior to issuing a license renewal; and the failure by the licensee and DEP to ensure that the licensee has no practical alternatives to the OBD license. Further, the DEP should have permitted Dr. Turndorf a public hearing or provided the Board with jurisdiction over this issue before issuing the most recent license renewal.

A. The License was issued before the statutory timeframe for public comment had expired.

There can be no dispute that Dr. Turndorf met the statutory deadlines within which to seek a public hearing on the issue of the legitimacy of the OBD license in question. Due to the fact that Mr. Sirois' license was issued prior to the expiration of the 30-day public comment period, and in light of the fact that Dr. Turndorf timely requested a public hearing, the Sirois license should be withdrawn and the matter should be scheduled for public hearing. In the alternative, the Board of Environmental Protection should assume jurisdiction, as requested by Dr. Turndorf.

B. The Licensee has violated the explicit terms of the governing statutes and regulations.

Pursuant to 06-096 CMR 596 "[u]nless specified differently in this chapter, the

requirements in the Maine Department of Environmental Protection's (Department) Rules Concerning the Processing of Applications and Other Administrative Matters 06-096 CMR 2 (April 1, 2003), apply to overboard discharge applications." According to 06-096 CMR 2(1)(Q), "Transfer of Ownership" means a change in the legal entity that owns a property, facility or structure that is the subject of a license issued by the Department." There is no question that there has been a transfer of ownership that has, to date, gone undisclosed by the Licensee. Meanwhile, under 06-096 CMR 2(21)(C) titled "Transfers" the rules state as follows: "Except as provided in this section, every license issued by the Department is non-transferable unless the Department approves the license transfer. The proposed transferee must submit a license transfer application in a form approved by the Department." Clearly, there has been a transfer without Department approval. Further, the licensee apparently informed the DEP in 2001 that he was still the owner of the subject property despite having transferred the property to a corporate entity that has other shareholders back in 1987. See Exhibit J.

Moreover, pursuant to Maine law,

Except as described below, written consent must be applied for no later than two weeks after any transfer of ownership of property subject to a license. Pending determination on the application for approval of a transfer, the transferee shall abide by all of the conditions of such license, and is jointly or severally liable with the original licensee for any violation of the terms and conditions thereof. Applications for such transfer and the processing thereof are governed by this rule. The transferee shall demonstrate to the Department's satisfaction the technical and financial capacity and intent to: (a) comply with all terms and conditions of the applicable license, and (b) satisfy all applicable statutory or regulatory criteria.

06-096 CMR 2(21)(C)(1). This is no question that there has been a violation of the Department's regulations and the licensee does not satisfy the applicable exceptions. Dr. Turndorf respectfully requests that the Board take appropriate action in response to the applicant's failure to comply

with the Department's rules and Maine law.

C. The enactment of 38 M.R.S.A. § 464 significantly limits the volume of pollutants that may be discharged under the Sirois OBD license.

Fortunately for the health and safety of Maine's waters and populace, in 1987 the Maine legislature passed 38 M.R.S.A. § 464. A summary of the purpose of that statute is as follows:

The Legislature finds that the proper management of the State's water resources is of great public interest and concern to the State in promoting the general welfare; in preventing disease; in promoting health; in providing habitat for fish, shellfish and wildlife; as a source of recreational opportunity; and as a resource for commerce and industry.

The Legislature declares that it is the State's objective to restore and maintain the chemical, physical and biological integrity of the State's waters and to preserve certain pristine state waters. The Legislature further declares that in order to achieve this objective the State's goals are:

- A. That the discharge of pollutants into the waters of the State be eliminated where appropriate;
- B. That no pollutants be discharged into any waters of the State without first being given the degree of treatment necessary to allow those waters to attain their classification; and
- C. That water quality be sufficient to provide for the protection and propagation of fish, shellfish and wildlife and provide for recreation in and on the water.

38 M.R.S.A. § 464(1). The 1987 enactment of 38 M.R.S.A. § 464 banning new overboard discharges of household waste waters prohibits not only new discharges, but expansions of existing discharges above that licensed as of June 1, 1987. Specifically, the governing statute states as follows:

The volume of the discharge from an overboard discharge facility that was licensed as of June 1, 1987 is determined by the actual or estimated volume from the facilities connected to the overboard discharge facility during the 12 months preceding June 1, 1987 or the volume allowed by the previous license, whichever is

less, unless it is found by the department that an error was made during prior licensing.

38 M.R.S.A. § 464(4)(A)(6). Even if the Board permits the licensee to retain the ill gotten benefit of the OBD license, there is no question that an error was made during prior licensing as the current License is permitted to discharge 300 gallons of day every day of the year. If permitted to continue, the current state of affairs renders the "regulations" governing OBD licenses completely irrelevant.

Here, it is clear that the system in question was not even completed six months prior to June 1, 1987. In fact, as of December 1986, the system has not been utilized by Mr. Alley whatsoever. See Exhibit D. In fact, as of December 1986, Mr. Alley planned to complete the system in the spring of 1987. Further, according to assessment records, the structure was not built until 1989. Oddly, Mr. Sirois' current application indicates that "I certify that the facility was used on a year-round basis as of June 1, 1987." This assertion is simply not plausible.

Pursuant to the explicit terms of Maine's statute on this issue, the estimated volume of the discharge facility for the 12 months prior to June 1, 1987 must be considered before allowing the License in question to be renewed. It is Dr. Turndorf's position that the OBD license in question handled no overboard discharge waste in the 12 months prior to June 1, 1987, and that the current OBD license must be eliminated - or at the least significantly modified - to lawfully reflect that reality.

The DEP's regulations relating to overboard discharges support the statute cited above as well as the Appellant's position. The regulations state, in no uncertain terms, that increases in volume of overboard discharges are strictly prohibited. To wit:

Prohibited Increases. An increase in wastewater volume or quantity of overboard discharges beyond that in continuous existence for the 12 months preceding June 1, 1987 is a "new" discharge and thus prohibited. The waste discharge license discharge volume will be equal to the actual or estimated volume produced by the facility connected to the overboard discharge system during the 12 months prior to June 1, 1987.

06-096 CMR 596(4)(B). Again, it is incumbent upon the licensing entity to properly manage the State's resources and eliminate the discharge of pollutants where, as here, such action is not only appropriate, but mandated by statute.

D. The enactment of 38 M.R.S.A. § 464 limits the Sirois OBD license to seasonal use.

Even if Mr. Sirois is entitled to a license for an overboard discharge, which Appellant disputes, such license must be limited to seasonal use. Maine's statutes and DEP Rules serve to protect the environment, and, accordingly, impose strict criteria on those seeking a year round overboard discharge license. See 06-096 CMR 596. To that end, at the time of the transfer of the license from Mr. Alley to Mr. Sirois, Maine statute requires as follows:

The months during which a discharge may occur from an overboard discharge facility that was licensed as of June 1, 1987 must be determined by [1] the actual use of the facility at the time of the most recent license application prior to June 1, 1987 or [2] the actual use of the facility during the 12 months prior to June 1, 1987, whichever is greater.

38 M.R.S. § 464(4)(A)(6) (alterations added).

The statutory requirement cited above, supported by documents in the DEP's file relative to this license, require a conclusion that the license for this property never should have been year-round. The "actual use" of the OBD license under either scenario 1 or 2 in Section 464(4)(A)(6) above was non-existent. In fact, there is not one iota of evidence in the DEP file that would

suggest the system was actually utilized prior to the sale from Mr. and Mrs. Alley to Mr. and Mrs. Sirois. Nonetheless, somehow, Mr. Sirois has acquired an OBD license that is unrestricted in terms of when it can be used. In sum, the License should never have been issued for year round use. The documents from the DEP file that have been provided in this package clearly support that position.

More important to the protection of Maine's waters and the integrity of its environmental regulatory system is the consistent application of Maine's statutory and regulatory requirements to all citizens. If all of the facts to this case had been known to the DEP, and if the statutes and regulations had been properly applied to those facts at the time of the OBD transfer from Mr. Alley to Mr. Sirois back in 1987 when the new statutory scheme was implemented, there would have been no OBD license permitted, or at the least the License would have been severely curtailed in accordance with Maine law.

E. The OBD license is licensed to a property that has never had a year-round residence upon it.

It is clear from the DEP file and from a review of the Town of Boothbay's tax records that the property "benefitting" from the OBD license is not a year-round residence. Nor has it ever been a year-round residence. Any statements to the contrary would be misleading at best.

If the overboard discharge facility was the primary residence of an owner at the time of the most recent license application prior to June 1, 1987 or during the 12 months prior to June 1, 1987, then the facility is considered a year-round residence. "Year-round residence" means a facility that is continuously used for more than 8 months of the year. For purposes of licensing, the department shall treat an increase in the licensed volume or quantity of an existing discharge or an expansion in the months during which the discharge takes place as a new discharge of domestic pollutants.

38 M.R.S. § 464(4)(A)(6). Again, there has never been a year-round residence, much less year-round use of the property in question. It is incumbent upon the Board to enforce the provisions of cited statute. The record must reflect that the structure that exists on the Sirois Associates' property has never been used on a year-round basis. The OBD license must also be eliminated or at least modified to reflect that reality.

F. The OBD license is licensed to a property which is next door to the license holder's residence and there is no indication that less damaging alternatives to the OBD system have been explored.

Whether appropriate or not, the current license holder is Albert Sirois. His residence is directly across the dirt road from the property that benefits from the OBD license. The governing statute states that

The department shall find that the discharge meets the requirements of best practicable treatment under this section for purposes of relicensing when it finds that there are no technologically proven alternative methods of wastewater disposal consistent with the plumbing code adopted by the Department of Health and Human Services pursuant to Title 22, section 42 that will not result in an overboard discharge, based on documentation from a licensed site evaluator provided by the applicant and approved by the department.

38 M.R.S. § 414-A. Further, 06-096 CMR 596 states that prior to a renewal of an overboard discharge license, the following criteria must be met:

- (1) A publicly owned sewer line is not located on or abutting land owned or controlled by the applicant or is not available for the applicant's use.
- (2) A subsurface wastewater disposal system cannot be installed in compliance with the Subsurface Rules, 10-144 CMR 241, on land owned or controlled by the applicant. Or, a subsurface wastewater disposal system can be installed on land owned or controlled by the applicant and the applicant is eligible for grant funding pursuant to 38 M.R.S.A § 411-A but no funding is available.

- (3) The discharge is not located within the boundaries of a sanitary or sewer district and the district has not agreed to service and maintain a holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district.
- (4) The discharge is a year round discharge as determined by Section 6(C) of this chapter, a commercial discharge, or does not meet the criteria in Section 9(A)(2) of this chapter.
- (5) The volume or quantity of waste water that is discharged does not exceed the authorized volume or quantity as determined according to Section 6(B) of this chapter.
- (6) The number of months during which the discharge occurs does not exceed the authorized number of months as determined according to Section 6(C) of this chapter.
- (7) The receiving water is not:
 - (a) A Class GPA, AA, A, or SA water;
 - (b) A tributary to Class GPA water; or
 - (c) A waterbody with a drainage area of less than 10 square miles, unless it is demonstrated to the Department's satisfaction that no alternative to the discharge exists.
- (8) The discharge meets the requirements of *Maine's Pollution Control Laws* 38 M.R.S.A. §414-A, and *Maine's Water Classification Laws* 38 M.R.S.A. §§ 464 to 469.
- (9) The discharge receives best practicable treatment consistent with requirements in Section 9 of this chapter.

It is Appellant's position that the licensee has not met the requirements of this regulation; specifically, but not limited to, the requirements found in paragraphs 2, 4, 6, 8 and 9, above. There is no indication in the file that the licensee has explored technologically and environmentally sound alternatives to the OBD license. The Board should require current affirmative representations from a licensed site evaluator supporting the licensee's position that there is no viable alternative, including the alternative of tying into the licensee's property across the dirt road.

V. CONCLUSION


Mr. Sirois' license for an for overboard discharge, WDL Application #W003648-5A-D-R, was issued in error, for multiple reasons, including the following: The licensee has failed to comply with the requirements relating to the transfer of property benefitting from an OBD license; he subsequently misrepresented that the property had not been transferred to a new party; the licensee made inaccurate statements relied upon by the DEP relative to the nature and character of the property; the DEP failed to properly implement the 1987 legislation and governing regulations relative to volume and seasonal use for the OBD license prior to issuing a license renewal; and the licensee and DEP failed to ensure that the licensee has no practical alternatives to the OBD license.

In this day and age, the discharge of pollutants directly into our streams and oceans is simply unconscionable when such a discharge is not absolutely necessary. Here, there is no reason why the discharge should be permitted to continue and every reason for the OBD license in question to be revoked.

Accordingly, Dr. Turndorf, an abutter to the Sirois property, respectfully requests that this license be repealed due to the licensee's failure to comply with statutory and regulatory requirements, or at the least, modified to reflect the mandates of the laws and rules cited above.

Thank you for your attention to these serious matters.

Dated: March 4, 2010



Patrick J. Mellor, Bar No. 8856
Lauren C. Hall, Bar No. 10045
Attorneys for Dr. Herman Turndorf
Strout & Payson, P.A.
10 Masonic Street, P.O. Box 248
Rockland, ME 04841
(207) 594-8400

Department of Environmental Protection
State Office Building
Augusta, Maine 04333
Telephone: 289-2591

1981

8101-32
Page 1 of

Δ49

Application Number

APPLICATION FOR SANITARY WASTE WATER DISCHARGE LICENSE
(Residential Use Only)

Please complete each form and forward one to the Office of the Department of Environmental Protection, one to the Municipal Office of the City or Town in which the discharge is to occur, and retain one for your records.

Applications not properly prepared may be returned for correction. Please use typewriter or print, using ink.

SECTION I

1a. Name John Alley

1b. Mailing Address Boothbay Shores Beath Road 633-2008
Street & Number Telephone

Boothbay Lincoln Maine 04537
City County State Zip Code

1c. Location of proposed discharge site Tecumseh Road
Street & Number Telephone

Boothbay Lincoln Maine 04537
City County State Zip Code

1d. If the property is not owned by the applicant, indicate the name and address of the owner and attach copy of lease option.

Name _____

Address _____
Street & Number Telephone

City County State Zip Code

SECTION II

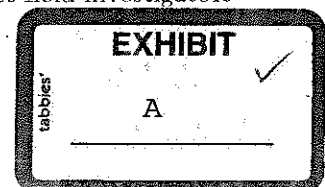
Topographic Information

2a. A MAP AND/OR DIAGRAM ILLUSTRATING THE GEOGRAPHIC SITE AND LOCUS OF DISCHARGE MUST ACCOMPANY THIS APPLICATION. Obtain appropriate U.S.G.S. topographic map (available at most sporting goods stores, hardware stores, book stores, etc.). Indicate the location of your property and proposed discharge on map and include with application.

2b. A diagram showing property characteristics must be submitted —
Diagram must include:

- (a) Property lines
- (b) Location of buildings
- (c) Existing sanitary facilities (septic tank, discharge pipes, etc.)
- (d) Names of abutting property owners
- (e) Location of proposed Waste Treatment Facilities
- (f) High and low water mark
- (g) Provide exact directions to the project site on your diagram. Include Rt. number, Road names, Building colors, etc. If empty lot, place temporary sign to assist field investigators to find site.

(Over)



SECTION II (Continued)

Topographic Information

Provide exact directions to the project site. For example: "Turn right off route 202 southbound, ½ mile down Elm Street, take the third left onto a dirt road, project is in front of the second house on the left, green with brown trim, concrete steps and iron rails." If no identifying features exist on this lot, put up a temporary sign to help field investigators find the proper site. Where available indicate fire road number and letter designation.

From East Boothbay village, take the Ocean Point Road and turn left
onto the Boothbay Shores Road. Proceed to the north side of the dam
seperating Glen Cove and the Little River. The subject property abuts
the Little River side of the dam. The Bessie D. Kenniston property
is just beyond the lot.

(Include the property diagram on the opposite side of this page. Be sure to show the location of the proposed discharge pipe.)

051

SECTION III

Soils Evaluation

3a. Was soils evaluation made? Yes ☒ No ☐

If so, enclose a copy of the soils evaluation. see page 8.

Indicate on sketch where evaluation pits were dug. N/A -see below

3b. Is property suitable for underground disposal?

Yes ☐

No ☒ Reasons not suitable:

Insufficient lot area greater than 100' from the normal high
water level, or 10' from the road right of way.

Additional soils information may be required after reviewing applications.

SECTION IV

Existing Treatment Information

4a. Is there an existing discharge? Yes ☐ No ☒

☐ Straight Pipe

☐ Malfunctioning Septic System

☒ New Construction — proposed discharge

☐ Other — Please Describe Fully _____

SECTION V

Proposed Treatment Information

5a. Indicate the proposed treatment system 1000 gallon septic tank - 315 sq. ft.

Sand Filter - chlorinator - discharge below LWL of Little River.

☒ Sand Filter — Departmental review and approval of Sand Filter Plans is required

☐ Mechanical Model/Brand Name _____

☐ Greywater Separation System Manufacturer/Brand Name _____

☐ Connection to planned municipal treatment system. (Variance required; Information available from DEP.)

5b. Maximum capacity of unit in gallons per day:

300 GPD

5c. What is the estimated cost for the proposed treatment facility?

\$2,500 - \$4,000±

5d. What is the estimated annual operating costs of the proposed facility?

\$100± - chlorine tablets and periodic septic tank pumping.

SECTION VI

6a. Average number of people unit will serve 4

Maximum number of people unit will serve 8

Will garbage grinder discharge to unit? Yes ☐ No ☒

Will clothes washer discharge to unit? Yes ☒ No ☐

652

SECTION VII

Receiving Water Information

Fresh Surface Water

7a. Name of water receiving discharge _____

7b. Does waterway flow year round? _____

Marine Waters

7c. Name of waters receiving discharge Little River

7d. Describe shoreline characteristics of receiving water in vicinity of discharge.

Distance to mean low water: 60'+ of mud, stone and ledge NHWL to NLWL.

7e. Marine resources in the area

Shellfish: Is this an open shellfish area? Yes ☐ No ☒

SECTION VIII CONSULTING ENGINEERING FIRM IF ANY

8a. Name _____

8b. Business Address _____
Street & Number Telephone

City County State Zip Code

8c. Project Engineer _____

SECTION IX

I John M. O'Leary hereby apply for a waste discharge license

Signature of Applicant

from the State of Maine Department of Environmental Protection under the provision of Title 38, Chapter 4, Section 414 of the Maine Revised Statutes of 1964, as amended, to discharge into a segment of Little River

Body of Water Receiving Discharge

presently classified as SB - 1 and located at Boothbay

Municipality

Applicant agrees to submit all plans and specifications for the approval of the Department and such approval shall be obtained prior to the commencement of construction. Applicant further agrees that the staff to the Department may inspect the facility at various stages of construction to ascertain that said facility is conforming to the plans and specifications so approved.

The information contained in this application and all attached exhibits are, to the best of my knowledge, true. Upon the discovery of inaccurate information, any waste discharge license which may have been granted on the basis of this application will be null and void.

053

All materials submitted to substantiate this application shall be considered part of the application and identified by the applicant as exhibits.

I hereby certify that a copy of this application has been forwarded to the municipal office of the City or Town in which the discharge is to occur with the request that it be placed on file for public review.

SIGNED William H. Maier DATE 10-8-81
Applicant's Signature

If the applicant has been assisted in preparing this application, the person assisting in the preparation shall sign below.

Name of Party Assisting William H. Maier
Address 1453 Washington Street 443-9364
Street & Number Telephone
Bath Sagadahoc Maine 04530
City County State Zip Code

A copy of this Application must be filed with the proper town official.

PUBLIC NOTICE OF APPLICATION

PUBLIC NOTICE REQUIREMENTS FOR THIS APPLICATION WILL BE PUBLISHED ONCE IN THE NEWS MEDIA HAVING LOCAL CIRCULATION. THERE WILL BE A PUBLIC COMMENT PERIOD OF FIFTEEN (15) DAYS COMMENCING WITH THE FIRST DAY THE AD APPEARS IN THE NEWS MEDIA.

SANDFILTER SYSTEMS

APPLICANT MUST NOTIFY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF AT LEAST THREE DAYS PRIOR TO CONSTRUCTION OF A SANDFILTER.

PLEASE: Return ORIGINAL VERSION OF THIS APPLICATION to DEP. Distribute others as required on page 1.

John M. Alley Sr.

DEF

LOT LOCATION
JOHN ALLEY PROPERTY
BOOTHBAY, MAINE

RIOR

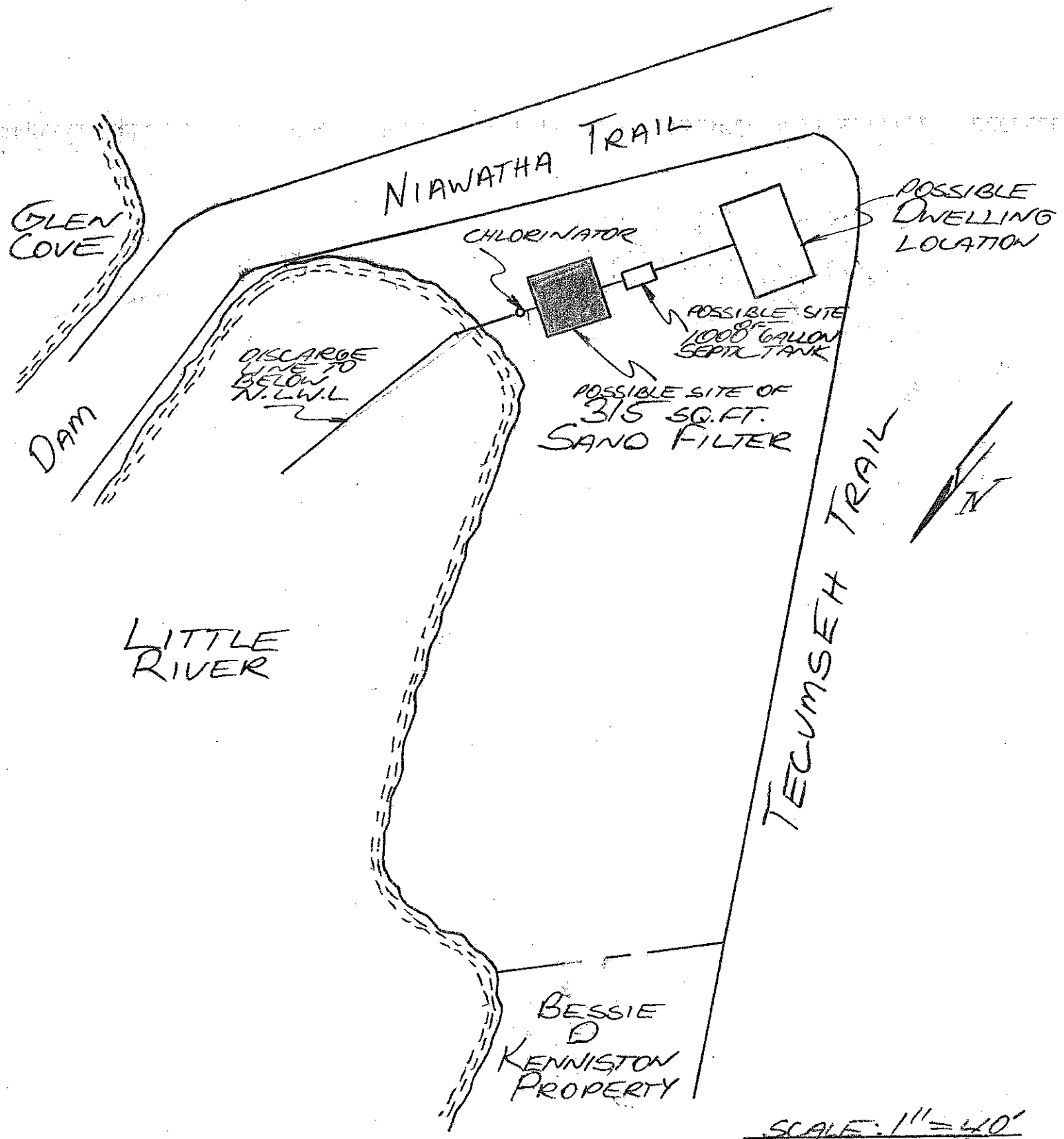
STATE
PUBLIC UTILIT

7071.1
(BRIST)



055

LOT SKETCH
JOHN ALLEY PROPERTY
BOOTHBAY, MAINE



SCALE: 1" = 40'

This is NOT A Permit; This Form When Completed Must Be
Presented To The Local Plumbing Inspector To Obtain A Permit

This Application Is For: <input checked="" type="radio"/> New System <input type="radio"/> Replacement Of Entire System <input type="radio"/> Expanded System <input type="radio"/> Replacement Of Disposal Area Only <input type="radio"/> Conversion Permit		Variance: <input checked="" type="radio"/> None Required <input type="radio"/> Replacement System Variance With: <input type="radio"/> LPI Approval <input type="radio"/> Dept. Review						
PROPERTY LOCATION Boothbay Town, Plantation		Tecumseh Road Street, Road						
PROPERTY OWNER or APPLICANT John Alley		Subdivision Name						
Mailing Address Boothbay Shores Street		Lot No.						
Boothbay Town		Maine State						
633-2003 Tel. No.		04537 Zip Code						
LOCATION PLAN OF PROPERTY See pages #2 & #6.								
TYPE OF STRUCTURE, DESIGN FLOW <input checked="" type="radio"/> Single Family Dwelling Number of Bedrooms 2-3 Design Flow 300 GPD Design Flow based on <input type="radio"/> Minimum <input type="radio"/> Moderate <input type="radio"/> Conservative *per <input type="radio"/> Reduction in Design Flow due to Water Conservation D.E.P. If so, specify type (a) _____ <input type="radio"/> Other Establishment, Specify _____ Type of Facility _____ (Number of Employees, Seating Capacity, Building Size, etc.) Design Flow _____ GPD If greater than 2000 GPD, Specify Professional Engineer								
PROPERTY INFORMATION Area of Property 3/4+ <input type="radio"/> Sq. Ft. <input checked="" type="radio"/> Acres <input type="radio"/> Zoned <input type="radio"/> Not Zoned If zoned, type of zoning Shoreland Property on Water Body, If so, Name of Water Body Little River Water Supply is: <input type="radio"/> Public Utility, <input checked="" type="radio"/> Drilled Well, to be drilled. <input type="radio"/> Dug Well _____ depth <input type="radio"/> Well Point <input type="radio"/> Spring <input type="radio"/> Surface Water								
Roads, Landmarks, Distances.								
SOIL PROFILE DESCRIPTION Location of Observation Holes shown on page 2								
TEXTURAL DESCRIPTION OF EACH SOIL STRATA ENCOUNTERED	Observation Hole No. N/A <input type="radio"/> Test Pit <input type="radio"/> Boring	Observation Hole No. _____ <input type="radio"/> Test Pit <input type="radio"/> Boring	Observation Hole No. _____ <input type="radio"/> Test Pit <input type="radio"/> Boring					
	Insufficient lot area greater than 100' from Little River, or 10' from the road right of way.	Organic Strata or (Existing Fill) Thickness _____	Organic Strata or (Existing Fill) Thickness _____					
		1st Original Mineral Soil Strata Depth from 0 " to _____ Thickness _____	1st Original Mineral Soil Strata Depth from 0 " to _____ Thickness _____					
		2nd Depth from _____ to _____ Thickness _____	2nd Depth from _____ to _____ Thickness _____					
		3rd Depth from _____ to _____ Thickness _____	3rd Depth from _____ to _____ Thickness _____					
		4th Depth from _____ to _____ Thickness _____	4th Depth from _____ to _____ Thickness _____					
	Total Depth of Observation Hole _____	Total Depth of Observation Hole _____	Total Depth of Observation Hole _____					
Depth from top of ORIGINAL MINERAL SOIL	Maximum Seasonal High Ground Water Table Depth _____ <input type="radio"/> None evident	Maximum Seasonal High Ground Water Table Depth _____ <input type="radio"/> None evident	Maximum Seasonal High Ground Water Table Depth _____ <input type="radio"/> None evident					
	Depth to Restrictive Layer _____ <input type="radio"/> None evident	Depth to Restrictive Layer _____ <input type="radio"/> None evident	Depth to Restrictive Layer _____ <input type="radio"/> None evident					
	Depth to Bedrock _____ <input type="radio"/> None evident	Depth to Bedrock _____ <input type="radio"/> None evident	Depth to Bedrock _____ <input type="radio"/> None evident					
PROFILE	CONDITION	SLOPE	PROFILE	CONDITION	SLOPE	PROFILE	CONDITION	SLOPE
		%			%			%
DISPOSAL SYSTEM PROPOSED Location of system and Details on Proposed Plan on page 2								
TYPE OF SYSTEM <input checked="" type="radio"/> Combined System <input type="radio"/> Separated System If separated system, type of black waste disposal system to be used: <input type="radio"/> Compost <input type="radio"/> Pit Privy <input type="radio"/> Sealed Vault Privy <input type="radio"/> Other: _____ Specify: _____ <input type="radio"/> Separated Laundry System <input type="radio"/> Primitive System <input type="radio"/> Holding Tank	TREATMENT TANK <input checked="" type="radio"/> Septic Tank <input type="radio"/> Aerobic Tank Size 1,000 Gals. DOSAGE <input checked="" type="radio"/> Pumping is not required <input type="radio"/> Pumping is required The dose should be: _____ Gals. Dosage chamber capacity shall be _____ gals. <input type="radio"/> System should be vented	SUBSURFACE DISPOSAL AREA/TYPE N/A <input type="radio"/> Trench Disposal Area Total linear feet of trench _____ ft. Number of Trench lines _____ ft. Length of each trench line _____ ft. Depth of Stone _____ inches. Reduction on trench length due to stone depth _____ % <input type="radio"/> Bed Disposal Area Total bed area _____ sq. ft. Number of beds _____ Width _____ ft. Length _____ ft. <input type="radio"/> Chamber Disposal Area Total chamber area _____ sq. ft. Number of clusters _____ Width _____ ft. Length _____ ft. <input type="radio"/> H-20 required	SYSTEM SIZE RATING N/A <input type="radio"/> Small <input type="radio"/> Medium <input type="radio"/> Medium Large <input type="radio"/> Large <input type="radio"/> Extra Large DISPOSAL AREA ELEVATION N/A Depth of Upslope Fill required _____ inches. Depth of Downslope Fill required _____ inches. Reference Elevation Point established at _____ Elevation. Disposal Area Bottom to be established at _____ Elevation. Top of Distribution Lines or Top of Chambers _____ Elevation. <input type="radio"/> Yes <input type="radio"/> No: The proposed subsurface disposal area will be located at least 100 feet from any and all wells, springs, surface water bodies and courses (lake, pond, ocean, brook stream, river), swamps, marshes, and bogs. <input type="radio"/> Yes <input type="radio"/> No: The proposed subsurface disposal area will be located at least 300 feet from any and all wells and springs producing 2000 gallons or more of water per day and any public water supplies.					
FOR USE BY SITE EVALUATOR On 9/30/81 (date), a site investigation for this project was completed. I conducted this soil evaluation and certify that the results indicated above best represent the soil conditions found. I recommend the above type and size of subsurface wastewater disposal system. I also recommend the proposed disposal system layout and location shown on page 2.				Signature of Site Evaluator W. M. M. M. Date signed 10/8/81		Site Evaluator License Number 32		
FOR USE BY OWNER/APPLICANT I certify that all the information submitted to be true and correct to the best of my knowledge. I understand that any falsification of this application is reason to deny a permit to install a disposal system and that the permit is valid for a six (6) month period from the date of permit issuance. I also understand that no guarantee is intended or implied by reason of any advice or approval given.				Signature of Owner/Applicant N/A Date Signed				
FOR USE BY LPI: <input type="radio"/> This Application is approved. If conditions, specify: <input type="radio"/> This Application is Denied due to: <input type="radio"/> System is not in accordance with Rules. <input type="radio"/> Application is incomplete. <input type="radio"/> Application is unclear. <input type="radio"/> Development is in violation of other Regulations. Specify _____				Signature of LPI Date		PERMIT NO. _____ E Date Issued / / 8		

This Is NOT A Permit; This Form When Completed Must Be
Presented To The Local Plumbing Inspector To Obtain A Permit

057

This Application Is For: <input checked="" type="radio"/> New System <input type="radio"/> Replacement Of Entire System <input type="radio"/> Expanded System <input type="radio"/> Replacement Of Disposal Area Only <input type="radio"/> Conversion Permit		Variance: <input checked="" type="radio"/> None Required <input type="radio"/> New System Variance <input type="radio"/> Replacement System Variance With: <input type="radio"/> LPI Approval <input type="radio"/> Dept. Review		
PROPERTY LOCATION Boothbay Town, Plantation		Tecumseh Road Street, Road	Subdivision Name	Lot No.
PROPERTY OWNER OR APPLICANT John Alley		TYPE OF STRUCTURE, DESIGN FLOW <input checked="" type="radio"/> Single Family Dwelling Number of Bedrooms: 2-3 Design Flow: 300 GPD Design Flow based on <input type="radio"/> Minimum <input type="radio"/> Moderate <input type="radio"/> Conservative *per <input type="radio"/> Reduction in Design Flow due to Water Conservation D.E.P. If so, specify type (s) _____ <input type="radio"/> Other Establishment, Specify _____ Type of Facility _____ (Number of Employees, Seating Capacity, Building Size, etc.) Design Flow _____ GPD If greater than 2000 GPD, Specify Professional Engineer		
Mailing Address Boothbay Shores Street 633-2008 Tel. No.		Zip Code 04537		
LOCATION PLAN OF PROPERTY See pages #2 & #6.		PROPERTY INFORMATION Area of Property 3/4+ Sq. Ft. <input checked="" type="radio"/> Acres <input checked="" type="radio"/> Zoned <input type="radio"/> Not Zoned If zoned, type of zoning Shoreland Property on Water Body, If so, Name of Water Body Little River Water Supply is: <input type="radio"/> Public Utility <input checked="" type="radio"/> Drilled Well to be drilled. <input type="radio"/> Dug Well _____ depth <input type="radio"/> Well Point <input type="radio"/> Spring <input type="radio"/> Surface Water		

SOIL PROFILE DESCRIPTION Location of Observation Holes shown on page 2					
TEXTURAL DESCRIPTION OF EACH SOIL STRATS ENCOUNTERED	Observation Hole No. N/A <input type="radio"/> Test Pit <input type="radio"/> Boring	Observation Hole No. _____ <input type="radio"/> Test Pit <input type="radio"/> Boring	Observation Hole No. _____ <input type="radio"/> Test Pit <input type="radio"/> Boring		
	Insufficient lot area greater than 100' from Little River, or 10' from the road right of way.	Organic Strata or (Existing Fill) Thickness _____	Organic Strata or (Existing Fill) Thickness _____		
		1st Original Mineral Soil Strata Depth from 0 " to " Thickness _____	1st Original Mineral Soil Strata Depth from 0 " to " Thickness _____		
		2nd Depth from " to " Thickness _____	2nd Depth from " to " Thickness _____		
		3rd Depth from " to " Thickness _____	3rd Depth from " to " Thickness _____		
		4th Depth from " to " Thickness _____	4th Depth from " to " Thickness _____		
Total Depth of Observation Hole _____	Total Depth of Observation Hole _____	Total Depth of Observation Hole _____			
Depth from top of ORIGINAL MINERAL SOIL	Maximum Seasonal High Ground Water Table Depth <input type="radio"/> None evident	Maximum Seasonal High Ground Water Table Depth <input type="radio"/> None evident	Maximum Seasonal High Ground Water Table Depth <input type="radio"/> None evident		
	Depth to Restrictive Layer <input type="radio"/> None evident	Depth to Restrictive Layer <input type="radio"/> None evident	Depth to Restrictive Layer <input type="radio"/> None evident		
	Depth to Bedrock <input type="radio"/> None evident	Depth to Bedrock <input type="radio"/> None evident	Depth to Bedrock <input type="radio"/> None evident		
PROFILE	CONDITION	SLOPE %	PROFILE	CONDITION	SLOPE %

DISPOSAL SYSTEM PROPOSED Location of system and Details on Proposed Plan on page 2					
TYPE OF SYSTEM <input checked="" type="radio"/> Combined System <input type="radio"/> Separated System If separated system, type of black waste disposal system to be used: <input type="radio"/> Compost <input type="radio"/> Pit Privy <input type="radio"/> Sealed Vault Privy <input type="radio"/> Other: Specify: _____ <input type="radio"/> Separated Laundry System <input type="radio"/> Primitive System <input type="radio"/> Holding Tank	TREATMENT TANK <input checked="" type="radio"/> Septic Tank <input type="radio"/> Aerobic Tank Size 1000 Gals. DOSAGE <input checked="" type="radio"/> Pumping is not required <input type="radio"/> Pumping is required The dose should be: _____ Gals. Dosage chamber capacity shall be _____ gals. <input type="radio"/> System should be vented	SUBSURFACE DISPOSAL AREA/TYPE N/A <input type="radio"/> Trench Disposal Area Total linear feet of trench _____ ft. Number of Trench lines _____ ft. Length of each trench line _____ ft. Depth of Stone _____ inches. Reduction on trench length due to stone depth _____ % <input type="radio"/> Bed Disposal Area Total bed area _____ sq. ft. Number of beds _____ Width _____ ft. Length _____ ft. <input type="radio"/> Chamber Disposal Area Total chamber area _____ sq. ft. Number of clusters _____ Width _____ ft. Length _____ ft. <input type="radio"/> H-20 required	SYSTEM SIZE RATING N/A <input type="radio"/> Small <input type="radio"/> Medium <input type="radio"/> Medium Large <input type="radio"/> Large <input type="radio"/> Extra Large DISPOSAL AREA ELEVATION N/A Depth of Upslope Fill required _____ inches. Depth of Downslope Fill required _____ inches. Reference Elevation Point established at _____ Elevation. Disposal Area Bottom to be established at _____ Elevation. Top of Distribution Lines or Top of Chambers _____ Elevation. <input type="radio"/> Yes <input type="radio"/> No: The proposed subsurface disposal area will be located at least 100 feet from any and all wells, springs, surface water bodies and courses (lake, pond, ocean, brook stream, river), swamps, marshes, and bogs. <input type="radio"/> Yes <input type="radio"/> No: The proposed subsurface disposal area will be located at least 300 feet from any and all wells and springs producing 2000 gallons or more of water per day and any public water supplies.		
			FOR USE BY SITE EVALUATOR On 9/30/81 (date), a site investigation for this project was completed. I conducted this soil evaluation and certify that the results indicated above best represent the soil conditions found. I recommend the above type and size of subsurface wastewater disposal system. I also recommend the proposed disposal system layout and location shown on page 2.		
FOR USE BY OWNER/APPLICANT I certify that all the information submitted to be true and correct to the best of my knowledge. I understand that any falsification of this application is reason to deny a permit to install a disposal system and that the permit is valid for a six (6) month period from the date of permit issuance. I also understand that no guarantee is intended or implied by reason of any advice or approval given.			Signature of Owner/Applicant N/A Date Signed		
FOR USE BY LPI: <input type="radio"/> This Application is approved. If conditions, specify: <input type="radio"/> This Application is Denied due to: <input type="radio"/> System is not in accordance with Rules. <input type="radio"/> Application is incomplete. <input type="radio"/> Application is unclear. <input type="radio"/> Development is in violation of other Regulations. Specify _____			Signature of LPI Date PERMIT NO. _____ E Date Issued 1 / 8		

858

January 8, 1982

John Alley
Beath Road
Boothbay, Maine 04537

Dear Mr. Alley:

Enclosed please find your copy of Waste Discharge License Number 3648 which was approved by the staff of the Department of Environmental Protection on December 21, 1982.

Please sign your copy of the Waste Discharge License Certificate in the lower left-hand corner and retain for your files.

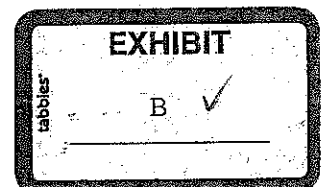
Any interested person aggrieved by a staff determination made pursuant to applicable regulations, may, within 30 days of receipt of the staff determination by the applicant, request the Board to review the determination. The attached informational sheet explains your rights of review and appeal.

If you have any questions regarding the matter, please feel free to contact this office at 289-3355.

Very truly yours,

George W. Lord, Director
Division of Licensing and Enforcement
Bureau of Water Quality Control

GWL:pmf
Enc.
R.R.R. # 0164306



Maine Department of Environmental Protection
Bureau of Water Quality Control
State House Station 17
Augusta, Maine 04333
Telephone 289-3355

059

APPLICATION FOR WASTE DISCHARGE LICENSE RENEWAL

NAME: _____

MAILING _____

JOHN M. ALLEY SR.
BOX 730 BEATH RD.
BOOTHBAY, ME. 04537



ADDRESS: _____

CITY/TOWN WHERE DISCHARGE OCCURS: Booth Bay, Me.

TELEPHONE NUMBER: 433-2008

PRESENT LICENSE NUMBER AND DATE ISSUED: 3648 1/2/21/82

NAME OF SERVICE CONTRACTOR: Guy Peaslee

COPY OF SERVICE CONTRACT MUST BE ENCLOSED
(NOT REQUIRED FOR SANDFILTER SYSTEMS)

CHANGES IN DISCHARGE FROM ORIGINAL LICENSE:

INCREASED ☒

PLEASE EXPLAIN: _____

DECREASED ☒

NO CHANGE ☒

DESCRIBE ANY ANTICIPATED CHANGES TO THE DISCHARGE SYSTEM: _____

1 INSPECTED THIS DURING
CONSTRUCTION ≈ ONE
MONTH AGO.

PUBLIC NOTICE REQUIREMENTS FOR

THE MUNICIPAL OFFICE IN THE TOWN OF _____
BY THIS OFFICE OF ALL RENEWAL
MUNICIPAL OFFICIALS.

DATE: 10/1/86

SIGNATURE: John M. Alley Sr.

6/86

EXHIBIT

c ✓

660

Maine Department of Environmental Protection
Bureau of Water Quality Control
State House Station 17
Augusta, Maine 04333
Telephone 289-3355

APPLICATION FOR WASTE DISCHARGE LICENSE RENEWAL

NAME: _____

MAILING _____

JOHN M. ALLEY SR.
BOX 730 BEATH RD.
BOOTHBAY, ME. 04537



ADDRESS: _____

CITY/TOWN WHERE DISCHARGE OCCURS: Booth Bay, Me.

TELEPHONE NUMBER: 433-2008

PRESENT LICENSE NUMBER AND DATE ISSUED: 3648 1.12.11'82

NAME OF SERVICE CONTRACTOR: Guy Peaslee

COPY OF SERVICE CONTRACT MUST BE ENCLOSED
(NOT REQUIRED FOR SANDFILTER SYSTEMS)

CHANGES IN DISCHARGE FROM ORIGINAL LICENSE:

INCREASED ☐

PLEASE EXPLAIN: _____

DECREASED ☐

NO CHANGE ☒

DESCRIBE ANY ANTICIPATED CHANGES IN
SYSTEM: _____

1 INSPECTED THIS DURING
CONSTRUCTION ≈ ONE
MONTH AGO.

PUBLIC NOTICE REQUIREMENTS FOR

THE MUNICIPAL OFFICE IN THE TOWN OF
BY THIS OFFICE OF ALL RENEWAL
MUNICIPAL OFFICIALS.

DATE: 10/11/84

SIGNATURE: _____

John M. Alley Sr.

6/86

REPORT OF PHONE CALL

Kathy -

1/7/87

061

CALL PLACED ☒, RECEIVED _____

DATE: 1-9-86

TIME: 4:10

PERSON CONTACTED: John Alley

ADDRESS: _____

PHONE NUMBER: 633-2008

SUBJECT: License Renewal

Mr. Alley stopped in today - wanted to know when this would be renewed.

I told him you would call in a few days. Explained that you were out sick. Mary

Told him draft license is done - will be renewed then signed. He'll get it shortly.

Went over the 3 things I saw in my 12-2-86 inspection.

1) discharge pipe - they plan to add another 50 feet to the line in the spring. He knew it wasn't long enough but since they're not using it & haven't used it yet he thought they'd get it taken care of in the spring.

2) Bank erosion - Also plan to seed this in spring. It was so late in the season when they got the system put in that they didn't get to this. He will fix it.

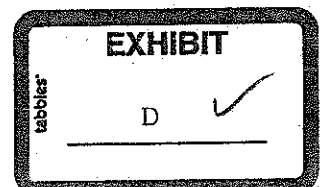
3) Seeding on bed - whole area where they dug has settled some. They plan to regrade & reseed in spring. Contractor Short charged him on the loam for the bed so the seed didn't take too well. He wants to see if he can

ACTION REQUIRED: get the contractor to bring in some more loam.

He plans to do the finishing touches in the spring to get everything taken care of.

DEP-252 (WOC)

SIGNATURE



862



STATE OF MAINE

Department of Environmental Protection

MAIN OFFICE: RAY BUILDING, HOSPITAL STREET, AUGUSTA
MAIL ADDRESS: State House Station 17, Augusta, 04333

JOSEPH E. BRENNAN
GOVERNOR

KENNETH C. YOUNG, JR.
COMMISSIONER

January 13, 1987

John M. Alley, Sr.
Box 730
Boothbay, Maine 04537

Dear Mr. Alley:

Enclosed please find your copy of your Waste Discharge License which was approved by the Department of Environmental Protection on January 13, 1987.

As we discussed over the telephone, you plan to do some finish work on the sandfilter system in the spring. This work will include adding an extension to the discharge line to bring it to below mean low water, stabilizing the bank along the shore where the line was cut in, and reseeding the area over the filter bed, if necessary. Once these last items are taken care of your system should be satisfactory.

Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action. If you have an untreated discharge, it is in your best interest to install the wastewater treatment system as soon as possible.

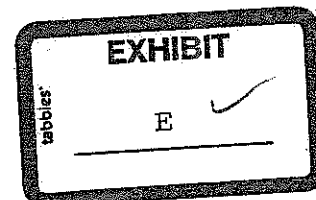
Any interested person aggrieved by a staff determination made pursuant to applicable regulations, may within 30 days of receipt of the staff determination by the applicant, request the Board to review the determination. The attached informational sheet explains your rights of review and appeal.

If you have any questions regarding the matter, please feel free to contact this office at 289-3355.

Very truly yours,

Kathy Jensen
Division of Licensing and Enforcement
Bureau of Water Quality Control

KJ:pmf
Enc.
RRR 437073934



063

WARRANTY DEED

JOHN M. ALLEY, SR. and DOROTHY B. ALLEY, husband and wife, both of Boothbay, Lincoln County, Maine, for consideration paid, grant to ALBERT SIROIS and AGNES SIROIS, husband and wife, both of Boothbay, Lincoln County, Maine, with WARRANTY COVENANTS, as JOINT TENANTS, the land with buildings thereon in Boothbay, Lincoln County, Maine, more particularly bounded and described as follows, to wit:

BEGINNING at a stake at the southwest corner of land of or formerly of Louise E. Spear on the easterly side of the travelled way which has come to be used instead of Tecumseh Trail as shown on Plan of Boothbay Shores filed in Lincoln County Registry of Deeds in Plan Book 2, Page 63 and lying just easterly of said Trail; thence running easterly by land of said Spear to a stake at her southeast corner on the westerly side of Minnehaha Trail; thence southerly by last named Trail to a stake on the westerly side of Hiawatha Trail near the dam; thence southerly by Hiawatha Trail to said Travelled Way; thence northerly by said Travelled Way to the point of beginning. Being that part of lots 4, 5, 6, 7, and 8 of Block 37 Subdivision B on said Plan as lies westerly of said Travelled Way, and the greater part of the premises conveyed by Merle I. Hyson to M. Eleanor Jones, et als by deed recorded in Book 664, Page 282 of the Lincoln County Registry of Deeds.

TOGETHER WITH all the land lying between these lots and low water mark of Little River as shown on Plan of Boothbay Shores, filed in Lincoln County Registry of Deeds in Plan Book 2, Page 63.

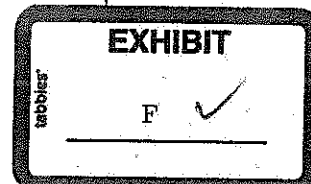
BEING the same premises conveyed by deed from Anton E. Hittl to John M. Alley, Sr. and Dorothy B. Alley, dated August 13, 1981 and recorded in Book 1078, Page 31, Lincoln County Registry of Deeds.

WITNESS our hands and seals this 7th day of JUNE, 1987.

SIGNED, SEALED, AND DELIVERED
IN PRESENCE OF:

[Signature]
Witness
[Signature]
Witness

[Signature]
John M. Alley, Sr.
[Signature]
Dorothy B. Alley



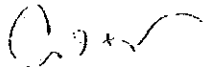
064

STATE OF MAINE
LINCOLN, SS.

JUNE 5, 1987

Then personally appeared the above-named JOHN M. ALLEY, SR.
and acknowledged the foregoing instrument to be his free act and
deed.

Before me,



Notary Public

CARL R. GRIFFIN

Printed name

Maine Department of Environmental Protection
Bureau of Water Quality Control
State House Station 17
Augusta, Maine 04333
Telephone 289-3355

065
WASTE Discharge
License # 3648

*
APPLICATION FOR TRANSFER OF A
WASTEWATER DISCHARGE LICENSE
(Sanitary Wastewater)

NAME OF APPLICANT: ALBERT C. SIROIS
ADDRESS: PO Box 2 Rt 96 EAST Boothbay, MAINE 04544
TELEPHONE NUMBER: 633-6107
NAME OF EXISTING LICENSE HOLDER: John Alley, Sr.
ADDRESS: DEATH Rd, Boothbay, ME. 04537
PLEASE INCLUDE A COPY OF YOUR DEED OR CONTRACT FOR SALE OF REAL ESTATE
NUMBER OF BEDROOMS AND/OR BATHROOMS: 2 bedrooms, 1 bathroom
TYPE OF TREATMENT: Chlorination
LOCATION OF DISCHARGE (Municipality): EAST Boothbay
NAME OF RECEIVING WATER: Little River
NAME OF SERVICE CONTRACTOR: _____
(Not required for Sandfilter Systems)

1. Describe any anticipated changes in wastewater flow volume or in the treatment system: none

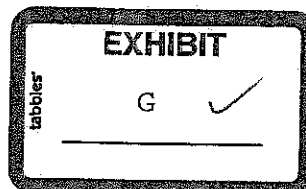
2. By signing this application the applicant certifies he is familiar with the applicable Waste Discharge License and will comply with the terms and conditions of the license.

DATE: 6-7-87

John M. Alley, Sr.
Signature of Present Licensee

Albert C. Sirois
Signature of Applicant

10/85



RECEIVED DEPARTMENT
OF ENVIRONMENTAL
PROTECTION
1987 JUL -6 P 12:41
DIV. ADMINISTRATIVE
SERVICES



STATE OF MAINE

Department of Environmental Protection

MAIN OFFICE: RAY BUILDING, HOSPITAL STREET, AUGUSTA
MAIL ADDRESS: State House Station 17, Augusta, 04333

JOHN R. McKERNAN, JR.
GOVERNOR

DEAN C. MARIOTT
COMMISSIONER

October 16, 1987

Albert C. Sirois
P.O. Box 2, Rt. 96
East Boothbay, Maine 04544

Dear Mr. Sirois:

The Department of Environmental Protection has received your application for a Waste Discharge License. However, we are unable to process your application at this time because of a new law which went into effect on June 1, 1987. This law prohibits the issuance of new overboard discharge licenses and strictly regulates the renewal and transfer process of existing licenses.

Regulations for the implementation of this law have been drafted and are in the process of being finalized. If this regulation is approved at the required public hearing, we anticipate that we will be able to start processing applications in late December.

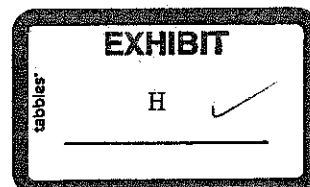
The Department will contact you regarding the appropriate steps to be taken and may require additional information to process your application.

Thank you for your patience in this matter.

If you have any questions or comments, please feel free to contact me at 289-3359 or write to me at the above address.

Very truly yours,

Louise M. Lettre
Division of Licensing and Enforcement
Bureau of Water Quality Control



069

10117

BOOK 1432 PAGE 191

WARRANTY DEED

Know all Men by these Presents,

That We, Albert Sirois and Agnes Sirois of Boothbay,
County of Lincoln, State of Maine

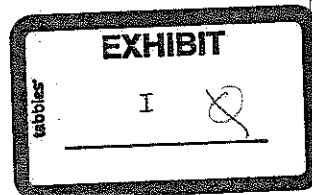
in consideration of one dollar and other valuable considerations (less than
one hundred dollars)

paid by Sirois Associates, a corporation organized and existing under
the laws of the State of Maine, with offices at said Boothbay

whose mailing address is Rt. 96, East Boothbay, Maine 04544

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and
convey unto the said Sirois Associates, Inc., its successors

with and assigns forever, a certain lot or parcel of land with
bldgs. thereon situated in said Boothbay, at East Boothbay and bounded
and described in attached Schedule A.



868

BOOK 1432 PAGE 192

SCHEDULE A

BEGINNING at a stake at the southwest corner of land of or formerly of Louise E. Spear on the easterly side of the travelled way which has come to be used instead of Tecumseh Trail as shown on Plan of Boothbay Shores filed in Lincoln County Registry of Deeds in Plan Book 2, Page 63 and lying just easterly of said Trail; thence running easterly by land of said Spear to a stake at her southeast corner on the westerly side of Minnehaha Trail; thence southerly by last named Trail to a stake on the westerly side of Hiawatha Trail near the dam; thence southerly by Hiawatha Trail to said Travelled Way; thence northerly by said Travelled Way to the point of beginning. Being that part of lots 4, 5, 6, 7, and 8 of Block 37 Subdivision B on said Plan as lies westerly of said Travelled Way, and the greater part of the premises conveyed by Harle I. Hyson to M. Eleanor Jones; et als by deed recorded in Book 664, Page 282 of the Lincoln County Registry of Deeds.

TOGETHER WITH all the land lying between these lots and low water mark of Little River as shown on Plan of Boothbay Shores, filed in Lincoln County Registry of Deeds in Plan Book 2, Page 63.

Meaning to describe the same premises conveyed by John M. Alley to Alfred and Agnes Sirols, said deed recorded in the Lincoln County Registry of Deeds, Book 1396, Page 162, dated June 8, 1987. It should be noted that this deed erroneously referred to Albert Sirols as Alfred Sirols.

069

1432 PAGE 193

To have and to hold the aforementioned and bargained premises, with all the privileges and appurtenances thereof, to the said **Sirois Associates, its successors**

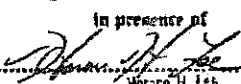
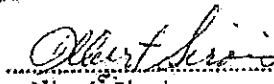
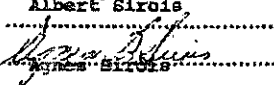
~~And~~ and assigns, to **it** and their use and behoof forever. **successors**
And we do ~~convey~~ with the said Grantee, **its / heirs and assigns,**
that we are lawfully seized in fee of the premises, that they are free of all encumbrances

that we have good right to sell and convey the same to the said Grantee to hold as aforesaid; and
that we and our heirs shall and will ~~maintain and defend~~ the same to the said Grantee, **its / successors** forever, against the lawful claims and demands of all persons.

In Witness Whereof. We, the said **Albert Sirois and Agnes Sirois, husband and wife, and both**
mark

~~Witnessed by the Notary Public~~

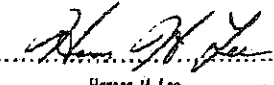
Joining in this deed as Grantor, and relinquishing and conveying all rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this **23rd** day of the month of **Sept. Oct.**, A.D. 19 **87**

Signed, Sealed and Delivered
in presence of
 **Horace H. Lee**
 **Albert Sirois**
 **Agnes Sirois**

State of **Illino.** County of **Lincoln** ss. **Sept Oct 23**, 19 **87**

Then personally appeared the above named **Albert and Agnes Sirois**

and acknowledged the foregoing instrument to be **their** free act and deed.

Before me,

Horace H. Lee Notary Public
My commission expires **December 25, 1991**
Printed Name, **Horace H. Lee**

LINCOLN SS.
RECEIVED OCT 26 1987 9 05 A.M.
AND RECORDED FROM THE ORIGINAL

5/01/2000
2001

670

STAFF REVIEW LIST FOR OBD APPLICATION

W00 36485A-J ATS id#: _____ Renewal _____ R & T _____ Trans ☒

NAME: Ray Sirois Town Boothbay Map U-8 Lot 20

Previous license # 36485A-J Previous Owner (RT & T's only) Albert C. Sirois

License _____ Cond. Permit 3/30/2004 Discharges to: Little River class: SB

System type: sandfilter ☒ mechanical _____ graywater _____ other _____ size 18 X 18

Lic. flow: 300 gpd design flow: 324 gpd Est. flow: * _____ Reduce to: _____

of dwellings on system: _____ # of bedrooms: _____ # bedrooms per dwelling _____

Other flow info: _____

Shellfish area? NO _____ YES ☒ Priority for Removal? _____

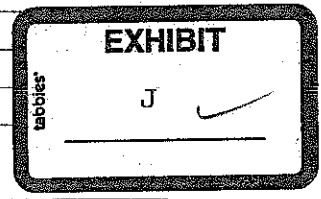
Title right or interest proven? _____ Service contractor _____

Disposal alternatives: Proven that sub-surface cannot be installed? YES _____ NO ☒

Explanation: _____

Seasonal? _____ Year-round? ☒ Evidence of year-round facility: * prior license/conditional permit "connected"
copy in 1994 indicates year-round 1988 file
note indicates site could not be seasonally converted

Other info: _____



ATS date rec'd _____ ATS Date accept'd _____

Inspection fees paid? Yes ☒ No _____ Are fees owed by previous owner? Yes _____ No ☒
Comments on fees _____

* Estimated flow based on State plumbing code, as follows:

8/8/01 - per tel call prepared by: Denise Fournier
Albert Sirois still owns property -
Ray Sirois just pays bi/insp fee. NO Transfer Needed

071

Filing Fee: \$60.00
Must Accompany Report

Make check payable to:
Treasurer of State

Please file by
APRIL 1, 1993

22999

Name of Corporation, Name of Clerk or Registered Agent, Address on File:

SIRDIS ASSOCIATES
AGNES SIRDIS, Clerk
RT 96

EAST BOOTHBAY ME 04544

STATE OF MAINE
1993 ANNUAL REPORT
FOR BUSINESS CORPORATIONS ON FILE AS OF
DECEMBER 31, 1992

Pursuant to 13-A MRSA §1301.2, the
report must be current as of the date signed.

Filing by April 1, 1993 will allow us
to provide better service. The legal
filing deadline is still June 1, 1993. A
\$20 late filing fee will be assessed if
the report is late. If suspended, a \$125
reinstatement fee will be assessed.

DCN Number:

1930229684487

Charter Number:

19800115 D

Foreign Corporations Only. The address of the registered office or principal office in its jurisdiction of incorporation:

NO CHANGES IN THE ABOVE INFORMATION CAN BE MADE ON THIS FORM. If a change from
the preprinted information is desired and you do not know which form to file, please contact the Corporate
Examining Section at (207) 287-4195 for the procedures and form for filing the change. Questions other than
those pertaining to the above should be directed to the Reporting & Information Section at (207) 287-4190.

1. A brief statement of the character of the business in which the corporation is actually engaged in the State of
Maine; if none, so indicate: Reference 13-A MRSA §1301.1.C

small boatyard

2. Name and address of officers: Reference 13-A MRSA §1301.1.C

Pres: SUZANNE SIRDIS-Box 805A-East Boothbay, ME 04544
Treas: Raymond J. Sirdis-RR1-Box 64-Harrison, ME 04456
(name) (street or rural route number, town/city, zip)

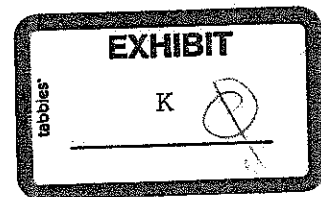
3. Name and address of following: Must list at least 1 shareholder
Reference 13-A MRSA §1301.1.D and §1301.2.A

Agnes B. Sirdis-PO Box 2-East Boothbay, ME 04544
Jeanne M. Patrizi-115 BARBERRY LANE-Stratford, NH

THIS PREPRINTED FORM MUST BE USED: If more space is needed please do not use the back of this form. Attach
additional pages as needed, using one side only. All attachments must contain the name and charter number of the corporation
across the top of the page. Each page should be numbered consecutively. List number of pages attached: _____

Dated: 2/23/93 Duly authorized signatory: *Agnes Sirdis (Clerk)*
(Reference 13-A MRSA §1301.3. Penalty for using is outlined material form 13-A MRSA §1304)

RETURN TO: Reporting & Information Section, Bureau of Corporations, Elections, and Commissions, Station 101, Augusta, Maine 04333-0101
FORM NO. MSCA-13 Rev. 83



072

DOMESTIC
BUSINESS CORPORATION

STATE OF MAINE

CHANGE OF CLERK and/or
REGISTERED OFFICE

SIROIS ASSOCIATES

(Name of Corporation)

CL 19880115 D

Pursuant to 13-C MRS-A §501, the undersigned corporation executes and delivers the following Change of Clerk and/or Registered Office.

FIRST: ("X" all boxes that apply)

- | | |
|---|---|
| A. <input type="checkbox"/> change of registered office | B. <input type="checkbox"/> change of clerk and registered office |
| C. <input checked="" type="checkbox"/> change of clerk | D. <input type="checkbox"/> change in name of current clerk |

SECOND: The name and registered office of the clerk appearing on the record in the Secretary of State's office:

Agnes B. Sirois

(name of current clerk)

Rt. 96, E. Boothbay ME 04544

(street, city, state and zip code)

THIRD: Complete this item as follows based on your selection in item First.

- A. The address of the new registered office (provide address information only):
 B. The name and registered office of the new clerk, who must be a Maine resident (provide name and address information).
 C. The name of the new clerk, who must be a Maine resident (provide name only). OR
 D. The new name of the current clerk (provide name only)

Albert C Sirois

(name of new clerk or new name of current clerk)

28 Tecumseh TRAIL, E. Boothbay ME 04544

(physical location, not P.O. Box - street, city, state and zip code)

PO Box 2, E. Boothbay ME 04544

(mailing address if different from above)

FOURTH: Upon a change in clerk, one of the following must be completed: ("X" one box only)

- ☐ The change of clerk was duly authorized by the board of directors of the corporation and that the power to appoint the clerk is not reserved to the shareholders by the articles or the bylaws
☒ The change of clerk was duly authorized by the shareholders of the corporation.

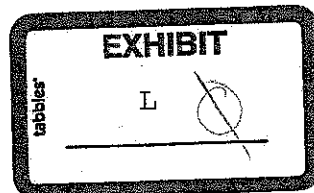
FORM NO. MBCA-3 (1 of 2)

File No 19880115 D Pages 2
 Fee Paid \$ 35
 DCN 2070991400066 CLRO
 FILED
 03/27/2007

Julia R. Flynn
 Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State



FIFTH: The undersigned clerk of the following corporation(s), who has changed the address of the registered office OR who has changed his or her name, has notified each corporation of the change indicated in Item Third A or D

Name of Corporation

☐ Names of additional corporations attached hereto as Exhibit ____, and made a part hereof.

Note The following must be signed by the proper person as designated below *

DATED 3/12/07

*By Suzanne Harmon
(signature)
SUZANNE HARMON President
(type or print name and capacity)

Acceptance of Appointment of New Clerk

The undersigned hereby accepts the appointment as clerk for the above-named domestic business corporation.

DATED MARCH 12, 2007

Albert C. Sirois
(signature of clerk)

ALBERT C. SIROIS
(type or print name)

Note If this document changes the clerk and the new clerk does not sign, Form MBCA-18 (13-C MBSA §501.3) must accompany this document

*This document **MUST** be signed as follows.

- (1) if Item First, A. was selected, then by the Clerk OR
- (2) if Item First, B. was selected, then by any duly authorized officer or the new Clerk OR
- (3) if Item First, C. was selected, then by any duly authorized officer or the new Clerk OR
- (4) if Item First, D. was selected, then by the Clerk.

Please remit your payment made payable to the Maine Secretary of State.

**SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,
 101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101.**

FORM NO. MBCA-3 (2 of 2) Rev 8/1/2004

TEL. (207) 624-7740

Powered by Vision Appraisal Technology



Map-Lot-Unit : U08/ 0020/ / / /
 Location: 33 TECUMSEH TR
 Owner Name: SIROIS ASSOCIATES
 Account Number: 2670

Parcel Value

Item	Appraised Value	Assessed Value
Buildings	69,200	69,200
Xtra Bldg Features	600	600
Outbuildings	0	0
Land	267,200	267,200
Total:	337,000	337,000

Owner of Record

SIROIS ASSOCIATES
 C/O RAYMOND SIROIS
 PO BOX 2
 EAST BOOTHBAY, ME 04544-0002

Ownership History

Owner Name	Book/Page	Sale Date	Sale Price
SIROIS ASSOCIATES	1432/ 191	1/1/1900	0
	1396/ ?		

Land Use

Land Use Code	Land Use Description
1012	Single Fam Ocean

Land Line Valuation

Size	Appraised Value	Assessed Value
0.47 AC	267,200	267,200

Construction Detail

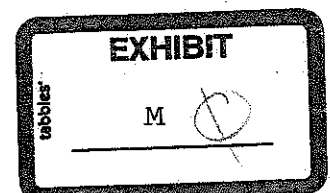
Building # 1	MODEL Residential	Stories: 1
STYLE Cottage	Exterior Wall 1 Wood Shingle	Roof Structure: Gable/Hip
Occupancy 1	Interior Wall 1 Cust Wd Panel	Interior Flr 1 Minimum/Plywd
Roof Cover Asph/F Gls/Cmp	Heat Fuel Gas	Heat Type: Hot Water
Interior Flr 2 Inlaid Sht Gds	Total Bedrooms: 01	Total Bthrms: 1
AC Type: None		

Building Valuation

Living Area: 480 square feet

Year Built: 1989

Building Value: 69,200



MEMORANDUM

675

TO: Department Order Reviewers

FROM: Richard S. Behr

DATE: ~~22 April 88~~ * 10-Aug-88R.S.V.P. BY: ~~22 April 88~~ 19-Aug-88

** ** ** ** **

Applicant: Albert SiroisLocation: BoothbayProject Name: Res. DischargeIssues: non-redeemable and very little land greater than 80' from the HWL.

Reviewed By:

Supervisor
Comments:☒

OK

Date: 9-14-88* 1988 data =
Cannot be
seasonally
converted.Div. Dir.
Comments:☒

OK

Date: 9/19/88How did this get
charged to > 6
months use??
(just 94 order WAs
for seasonal use)Bur. Dir.
Comments:☐

OK

Date: _____

Returned for Redraft Date: _____

Second Review (Please Initial)

/ / / / /

EXHIBIT

N

☒

For office use only

Check #:

Date Received: 10-4-93

Date Accepted: 10-4-93

APPLICANT AND FACILITY INFORMATION

Total Fees Due 182.50
(processing and license fees)

Application Number: W 00 3648-40-C-R

(Please use a typewriter or print, using ink. Applications completed in pencil will not be accepted.)

1. Applicant's name ALBERT C. SIROIS
(social security number)
2. Mailing address PO Box 2 Ocean Pt Rd 633-6107
(street & number) (telephone)
EAST Boothbay LINCOLN ME 04544
(town/city) (county) (state) (zip code)
3. Location of proposed/existing discharge site TECUMSEH TRAIL, Boothbay Shores
(street & number)
EAST Boothbay LINCOLN ME 04544
(town/city) (county) (state) (zip code)

(work telephone) (home telephone)
4. Name of receiving water _____
5. This application is for ☒ Renewal ☐ Modification ☐ Transfer of ownership
Name of current or former owner _____
(transfers only)
6. Is your dwelling or any part of your wastewater disposal system within 200 feet of a municipal or quasi-municipal sanitary sewer system?
Yes _____ No ☒
7. Is the building on the property winterized? Yes ☒ No _____
8. If the building(s) is occupied less than 12 months per year, circle the months of occupancy. WILL BE SEASONAL-1994
January April July October
February May August November
March June September December
9. How many bedrooms does your wastewater disposal system serve? 1
10. When did you last have your septic tank pumped out? Give date NA
(not applicable for mechanical systems)

EXHIBIT

0 ✓

SUPPLEMENTAL MATERIALS

The following required supplemental materials will be considered part of this application. Your application will not be accepted for processing until you have submitted all the materials checked (x) below.

☒ **Application Fees:** Submit the processing and license fees specified on page 2. Please make check payable to Treasurer State of Maine.

☒ **Geographic Site Map:** Submit a U.S. Geological Survey map or U.S. Coastal and Geodetic Survey map with a scale of 1:24,000 (7 1/2 minute series) illustrating the geographic site and locus of your waste discharge. Indicate the location of your property and discharge point on the map as accurately as possible. U. S. Geological Survey maps are available at local sporting goods and book stores.

☒ **Municipal Tax Map:** Submit a copy of a tax map from the Tax Assessor's office in the town or city where your waste discharge occurs. The tax map should identify the map and lot number of your property as well as the names of abutting landowners. If possible, indicate property line dimensions, the locations of wells, dwellings and the overboard discharge system.

☒ **Site Evaluation Report:** A site evaluation of your property, conducted in accordance with the State of Maine Subsurface Wastewater Disposal Rules, is required. The evaluation must be conducted by a licensed Site Evaluator and must be completed on HHE-200 form pages 1 and 2 for the purpose of determining whether subsurface disposal is possible. Because your overboard discharge is into a _____, the Site Evaluator will use the _____ criteria of the Disposal Rules to make the determination. You can obtain a list of licensed Site Evaluators at _____.

CERTIFICATION OF PUBLICATION

I hereby certify that a public notice of ALBERT C. SIROIS 's application for a Waste
(applicant)

Discharge License for discharge to LITTLE RIVER in
(receiving water)

Boothbay ME is being published in PORTLAND PRESS HERALD
(municipality) (name of newspaper)

on THURSDAY 10/7/93
(date of publication)

BY

[Signature]
(signature of applicant or authorized agent)

ALBERT C. SIROIS
(printed name) (date)

078

APPLICANT AFFIRMATION

ALBERT C. SIROIS

(name of applicant)

hereby applies for a Waste Discharge License from the State of Maine

Renewal

Department of Environmental Protection under the provisions of Title 38, Chapter 3, Sections 413 and 414 of the Maine

Revised Statutes of 1964, as amended, to discharge into a segment of LITTLE RIVER and

(body of water receiving discharge)

located at Boothbay, ME

(town)

I (the applicant) agree to submit all required information and supplemental materials for approval by DEP. Such approval will be obtained prior to the commencement of construction. I further agree that DEP staff may inspect the facility at various stages of construction.

The information contained in this application and all attached materials are, to the best of my knowledge, true. All materials submitted to substantiate this application will be considered part of the application and identified by me.

I am familiar with and understand the statutory requirements of Title 38 MRSA Chapter 3, Protection and Improvement of Waters and the Water Classification Program.

I hereby certify that a copy of this application has been forwarded to the municipal office of the city or town in which the discharge is to occur with the request that it be placed on file for public review. I further certify that a public notice of this application is being published as required and I have attached evidence of such notice.

(name of applicant or authorized agent for applicant and title or position)

ASIROIS

(signature)

8-25-93

(date)

If the applicant has been assisted in preparing this application, the person assisting in the preparation must sign below.

Name of person assisting _____

Address _____

(street & number)

(telephone)

(city)

(county)

(state)

(zip code)

SIGNED _____

(signature of person assisting)

(date)

Then personally appeared the above-named JOHN M. ALLEY, SR. and DOROTHY B. ALLEY, husband and wife, and acknowledged the foregoing instrument to be his free act and both of Boothbay, Lincoln County, Maine, for consideration paid, grant to ALBERT SIROIS and AGNES SIROIS, husband and wife, both of Boothbay, Lincoln County, Maine, with WARRANTY COVENANTS, as JOINT TENANTS, the land with buildings thereon in Boothbay, Lincoln County, Maine, more particularly bounded and described as follows, to wit:

BEGINNING at a stake at the southwest corner of land of or formerly of Louise E. Spear on the easterly side of the travelled way which has come to be used instead of Tecumseh Trail as shown on Plan of Boothbay Shores filed in Lincoln County Registry of Deeds in Plan Book 2, Page 63 and lying just easterly of said Trail; thence running easterly by land of said Spear to a stake at her southeast corner on the westerly side of Minnehaha Trail; thence southerly by last named Trail to a stake on the westerly side of Hiawatha Trail near the dam; thence southerly by Hiawatha Trail to said Travelled Way; thence northerly by said Travelled Way to the point of beginning. Being that part of lots 4, 5, 6, 7, and 8 of Block 37 Subdivision B on said Plan as lies westerly of said Travelled Way, and the greater part of the premises conveyed by Merle I. Hyson to M. Eleanor Jones, et als by deed recorded in Book 664, Page 282 of the Lincoln County Registry of Deeds.

TOGETHER WITH all the land lying between these lots and low water mark of Little River as shown on Plan of Boothbay Shores, filed in Lincoln County Registry of Deeds in Plan Book 2, Page 63.

BEING the same premises conveyed by deed from Anton E. Hittl to John M. Alley, Sr. and Dorothy B. Alley, dated August 13, 1981 and recorded in Book 1078, Page 31, Lincoln County Registry of Deeds.

WITNESS our hands and seals this 8th day of JUNE, 1987.

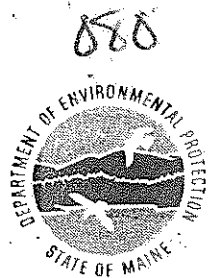
SIGNED, SEALED, AND DELIVERED
IN PRESENCE OF:

[Signature]
Witness

[Signature]
Witness

John M. Alley, Sr.
John M. Alley, Sr.

Dorothy B. Alley
Dorothy B. Alley



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

ALBERT SIROIS)	PROTECTION AND IMPROVEMENT
EAST BOOTHBAY, LINCOLN COUNTY, MAINE)	OF WATERS
OVERBOARD DISCHARGE)	CONDITIONAL PERMIT
MAP U-8 LOT 20)	RENEWAL
W003648-40-C-R)	
Approval)	

Pursuant to the provisions of 38 M.R.S.A., Section 414-A et. seq. and 06-096 CMR Chapter 596, the Department of Environmental Protection has considered the application of ALBERT SIROIS, with its supportive data, agency review comments, and the related material on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

The applicant has requested a renewal of Waste Discharge License Number W003648-40-B-M, for the discharge of 300 gallons per day of treated sanitary wastewater, to Little River, Class SB, in East Boothbay, Maine.

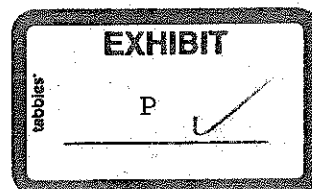
2. SOURCE DESCRIPTION

- a. The discharge is from a one (1) bedroom single family dwelling. The wastewater currently receives treatment from a previously installed overboard discharge system which consists of a sandfilter treatment system, with chlorine disinfection. The treated wastewater is discharged into the receiving waterbody via an outfall pipe.
- b. The discharge occurs for less than six months of the year.

3. BEST PRACTICABLE TREATMENT

Overboard discharges may be licensed only where no technologically proven alternative exists. Such alternatives consist of connection to a municipal sewerage system, use of a subsurface disposal system or, in certain instances, installation of a holding tank. All overboard discharges must be treated by an approved sandfilter, mechanical or graywater treatment system as appropriate.

- a. Connection to a municipal sewerage system is not possible since one is not located on or abutting land owned or controlled by the applicant.



081

- b. The applicant has not demonstrated that a subsurface wastewater system can not be installed on land owned or controlled by the applicant in conformance with the State of Maine Subsurface Wastewater Disposal Rules. Therefore, the applicant's discharge does not meet Best Practicable Treatment although the existing treatment system is appropriate technology for the wastewater being discharged.
- c. The discharge is not located within the boundaries of a sanitary, sewer district or municipality which has agreed to service and maintain holding tanks at an annual fee that does not exceed those fees charged to similar users physically connected to the sewers of the district.
- d. The discharge is seasonal and located on the mainland or on an island connected to the mainland by a vehicle bridge or by scheduled car ferry service.

4. RECEIVING WATER USES

The Department has requested comments from the Department of Marine Resources (DMR). These comments indicate the following:

The discharge is into a shellfish harvesting area that is currently closed to the harvesting of shellfish. The area is closed because licensed overboard discharge systems discharge into these receiving waters. These discharges have the potential for malfunction and the possibility of bacterial contamination of the shellfish poses a threat to public health; therefore, the DMR has closed the receiving waterbody to the harvesting of shellfish.

Based on the above Findings of Fact, and subject to the Conditions listed below, the Department makes the following conclusions:

- A. The proposed discharge so licensed, by itself, or in combination with other discharges, will lower the quality of any classified body of water below such classification.
- B. The proposed discharge as licensed, will not receive Best Practicable Treatment.

882

THEREFORE, the Department DENIES the application of ALBERT SIROIS, for a waste discharge license to discharge 300 gallons per day of treated sanitary wastewater, to Little River, Class SB, in East Boothbay; but APPROVES a Conditional Permit for the same, subject to the following conditions and all applicable standards and regulations.

1. Standard and Special Conditions, copy attached.
2. Except as described below, this permit will expire ten (10) years from its effective date. The permit will expire in five (5) years if appropriate processing and licensing fees are not paid on or before the fifth anniversary date. If the Department offers the permittee a grant of money for the purpose of removing the discharge, the permit shall expire ~~six~~ (6) months from the date of that offer.
3. The amount of effluent being discharged and the number of months the discharge occurs can not be increased in accordance with 38 M.R.S.A. §464. sub-§4. ¶ A (6).
4. The discharge shall not occur before May 1, and shall cease before October 15, of each year.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30th DAY OF March, 1994

DEPARTMENT OF ENVIRONMENTAL PROTECTION

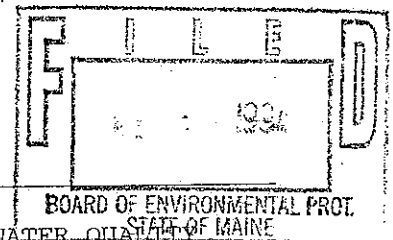
BY: Debrah J. Richard
Debrah J. Richard, Acting Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application October 4, 1993
Date of application acceptance October 4, 1993

Date filed with Board of Environmental Protection _____

This Order prepared by PAMELA PARKER, Bureau of LAND AND WATER



STANDARD CONDITIONS FOR OVERBOARD DISCHARGES (REVISED 1/7/93)

APPENDIX A
LESS THAN 2,000 GALLONS PER DAY

- A. The discharge shall be consistent with the terms and conditions of this license/permit; any changes or planned changes in the estimated discharge volume must be reported to the Department. Changes which increase the estimated discharge volume are prohibited. Determination of volume increases shall be based on wastewater design flows described in CMR Chapter 241 Section 7, the Subsurface Wastewater Disposal Rules (the "Plumbing Code"). Actions that may affect estimated volume include but are not limited to: 1. Residential sources: construction of additional bedrooms, certain renovations or construction to the existing dwelling, construction of additional dwellings, or waste discharge connections from mobile homes or recreational vehicles. 2. Commercial sources: construction or renovations that would increase restaurant seating, room capacity or other modifications. Changes or modifications to discharge characteristics without Department notification is a violation of this license/permit.
- B. The staff of the Department shall have the right of entry for the purpose of inspecting the treatment system and examining records.
- C. Flow measuring facilities of a design approved by the staff of the Department may be required to be installed at any time during the operation of the treatment facilities.
- D. Sampling facilities of a design approved by the staff of the Department shall be installed at a time prior to the operation of the treatment facilities. Access for periodic sampling and maintenance must be ensured. Disinfection unit and sampling port covers must be accessible at all times.
- E. The staff of the Department will be notified immediately of any malfunction of any component of the wastewater treatment system. In the event the wastewater treatment system malfunctions, the wastewater discharge is to cease within 24 hours unless authorization to the contrary is obtained from the staff of the Department.
- F. Periodic operational reports in such form and containing such information as the Department may require shall be completed and signed by the licensee/permittee and submitted to the staff of the Department.
- G. All wastewaters will be consigned to a municipal treatment system when said municipal system becomes available. This waste discharge license/permit will automatically expire 90 days after a municipal facility becomes available unless this time is extended by the Board, in writing, for good cause shown.
- H. Treatment facilities will be installed according to Department specifications and be operational prior to the discharge of any wastewaters.

884

- I. The final effluent pipe must be placed in the receiving waters in such a manner that mixing and effective dispersion of the wastewaters will be achieved and that contact with the effluent will be minimized.
- J. Chlorination shall be used as a means of disinfection. A minimum detention time of 20 minutes in an approved contact chamber shall be provided at all times. The total chlorine residual in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving water. At no time shall the total chlorine residual of the effluent exceed 1.0 mg/L
- K. The pH of the effluent shall not be less than 6.0 or greater than 8.5.
- L. The effluent shall contain no visible oil sheen, foam, or floating solids.
- M. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life; or which would impair the uses designated by the classification.
- N. Notwithstanding specific conditions of this license/permit the effluent must not lower that water quality standards or impair the uses designated by the classification of the receiving waters.
- O. The discharge shall not cause turbidity or visible discoloration in the receiving waters to exceed control values measured upstream of the discharge point which would impair the uses of the receiving waters designated by the classification.
- P. The licensee/permittee shall not discharge or cause to be discharged any materials designated as hazardous or toxic under the provision of Section 12, Federal Water Pollution Control Act, as amended, 33 U.S.C. 1162 (1971) or by the Department or which are known by the licensee/permittee to be hazardous or toxic.
- Q. This license/permit does not preclude obtaining other required Federal, State or Municipal permits.
- R. The issuance of this license/permit does not convey any property rights or authorize injury to public or private property.
- S. The effluent from the treatment system shall not exceed the following limits:

Five day biological oxygen demand (BOD) and total suspended solids (TSS).

30 mg/L Monthly Average Concentration

60 mg/L Daily Maximum Concentration

Settleable Solids 0.1 ml/L

Fecal Coliform Bacteria 200/100 ml

- T. The weekly average volume of the discharge shall not exceed the volume specified in the attached findings of fact.
- U. The licensee/permittee shall pay an annual inspection fee to the Department. Payment of the fee shall be due within 60 days after receiving a bill from the Department.
- V. In the event that any person possessing a license/permit issued by the Department shall transfer the ownership of the property, facility or structure which is the source of a licensed discharge, without transfer of the license/permit being approved by the Department, the license/permit granted by the Department shall continue to authorize a discharge within the limits and subject to the terms and conditions stated in the license/permit, provided that the parties to the transfer shall be jointly and severally liable for any violation thereof until such time as the Department approves transfer of issuance of a waste discharge license/permit to the new owner. The Department may in its discretion require the new owner to apply for a new license/permit, or may approve transfer of the existing license/permit upon a satisfactory showing that the new owner can abide by its terms and conditions.

SPECIAL CONDITIONS FOR MECHANICAL TREATMENT SYSTEMS

- W. Periodic cleaning of the disinfection unit housing chamber may be necessary for removal and proper disposal of any solid material buildup. The licensee/permittee shall maintain a service contract for any and all treatment equipment and facilities with a service organization acceptable to the Department. A signed copy of the service contract must be forwarded or presented to the Department staff upon request.
- X. An alarm system which is operated on an independent source of power and of a design approved by the Department staff will be installed. The alarm system must be connected to a central location.
- Y. A tag, provided by the service contractor, shall be attached to the treatment system or displayed near the treatment system in an accessible manner. The tag shall show the name of the service contractor, the date of the most recent visit by the service contractor and the initials of the person conducting the service.

SPECIAL CONDITIONS FOR SANDFILTER SYSTEMS

- Z. At least three days prior to the construction of the sandfilter the licensee/permittee shall contact the Department staff in order that an inspection of the construction may be made.
- AA. The licensee/permittee shall ensure that the septic tank is pumped at least once every three years. Periodic cleaning of the disinfection unit housing chamber may be necessary for removal and proper disposal of any solid material buildup.

586

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE/PERMIT THE FOLLOWING DEFINITIONS SHALL APPLY

- A. Daily Maximum for Concentration: The maximum value not to be exceeded by any composite of grab samples.
- B. Monthly Average for Concentration: The total discharge by weight during a calendar month divided by the number of days in the month that the facility was operating. Where less than daily sampling is required by this license/permit, the monthly average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.
- C. Licensee/Permittee: The person identified in the findings of fact as being granted the license or conditional permit by the Department.

WSANITRY

3/3/94

887



STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN R. McKERNAN, JR.
GOVERNORDEAN C. MARRIOTT
COMMISSIONERDEBRAH RICHARD
DEPUTY COMMISSIONER

March 31, 1994

Albert Sirois
Box 730
Boothbay, ME 04537

RE: Waste Discharge Conditional Permit #W003648-40-C-R

Dear Mr. Sirois:

Enclosed is your Waste Discharge Conditional Permit which was approved by the Department of Environmental Protection. Please read your Permit and its attached conditions carefully. You must comply with the Permit and its conditions in order to satisfy the requirements of the 1989 Amended Overboard Discharge Law. Failure to do so is a violation of Maine's Water Quality Protection Laws and may be subject to enforcement action.

This permit will expire ten (10) years from the effective date if all appropriate processing and licensing fees are paid on or before the fifth anniversary date. No additional paperwork will be required at that time. If the fees are not paid, your permit will expire and you may be subject to enforcement action. This permit will permanently expire six (6) months after the Department offers you a grant of money to replace your overboard discharge system with an alternative method of wastewater disposal. Grants of money are currently being made based on a priority system. If you are not offered a grant of money during the effective period of the permit, the permit may be renewed.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision by following the procedures described in the attached fact sheet.

If you have questions, please feel free to call me at (207)287-3901.

Sincerely,

Pamela Parker
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enclosures

/gmr

CPI 888

WASTE WATER DISCHARGE APPLICATION TRACKING SHEET

OLD License # 3648-40-B-A

APPLICATION INFORMATION

License Number:

3648-40-C-R

Location: E. Boothbay Lincoln

Previous Holder: Albert Sirois

Applicants Name:

Albert Sirois

Phone Number:

633-6107

Social Security No.:

Mailing Address:

Box 730, Boothbay, ME 04537

Project Address:

Tecumseh Trail, Boothbay Shores E. Boothbay

Project Description:

300 FPD SFD 1 Bedroom

Project Manager:

W.D. Lic.:

W.D. C.P.:

X

C.A.:

Cert:

Aquacert.:

New:

Renewal:

X

Transfer:

Minor Revision:

Amendment:

Other:

OTHER INFORMATION

Waterbody: Little River	Classification: SB	Tax Map: U-8 Lot: 20
Treatment Type: SF	Flow: 300	Shellfish: YES
Facility Type: SFD	No System:	Seasonal: YES

APPLICATION PROCESSING

	Date	Input	App. Returned:	
App. Sent:	1-12-92	SS	Draft Issued:	
App. Received:	10-4-93	SS	2nd Draft:	
App. Accepted:	10-4-93	SS	Site Visit:	
App. Not Accepted:			Hearing:	
App. Withdrawn			Final Issued:	3-30-94 SS

INFORMATION REQUIRED WITH APPLICATION

Fee	Geographic Site Map	Tax Map
Site Evaluation	Title/Right/Deed	Property Easement
Service Contract	Good Standing	Public Notice
Signature	Other	

AGENCY REVIEW

Sent for review:

Response Due:

DEELS

DETA

DMR

IF&W

EPA

ENVIRONMENTAL ISSUES

889



STATE OF MAINE
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

ALBERT SIROIS)	PROTECTION AND IMPROVEMENT
EAST BOOTHBAY, LINCOLN COUNTY, MAINE)	OF WATERS
OVERBOARD DISCHARGE)	CONDITIONAL PERMIT
MAP U-8 LOT 20)	RENEWAL
W003648-40-C-R)	CORRECTED COPY
Approval)	

Pursuant to the provisions of 38 M.R.S.A., Section 414-A et. seq. and 06-096 CMR Chapter 596, the Department of Environmental Protection has considered the application of ALBERT SIROIS, with its supportive data, agency review comments, and the related material on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

The applicant has requested a renewal of Waste Discharge License Number W003648-40-B-M, for the discharge of 300 gallons per day of treated sanitary wastewater, to Little River, Class SB, in East Boothbay, Maine.

2. SOURCE DESCRIPTION

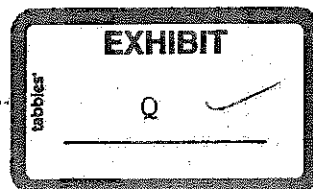
a. The discharge is from a one (1) bedroom single family dwelling. The wastewater currently receives treatment from a previously installed overboard discharge system which consists of a sandfilter treatment system, with chlorine disinfection. The treated wastewater is discharged into the receiving waterbody via an outfall pipe.

b. The discharge occurs for more than six months of the year.

3. BEST PRACTICABLE TREATMENT

Overboard discharges may be licensed only where no technologically proven alternative exists. Such alternatives consist of connection to a municipal sewerage system, use of a subsurface disposal system or, in certain instances, installation of a holding tank. All overboard discharges must be treated by an approved sandfilter, mechanical or graywater treatment system as appropriate.

a. Connection to a municipal sewerage system is not possible since one is not located on or abutting land owned or controlled by the applicant.



- b. The applicant has not demonstrated that a subsurface wastewater system can not be installed on land owned or controlled by the applicant in conformance with the State of Maine Subsurface Wastewater Disposal Rules. Therefore, the applicant's discharge does not meet Best Practicable Treatment although the existing treatment system is appropriate technology for the wastewater being discharged.
- c. The discharge is not located within the boundaries of a sanitary, sewer district or municipality which has agreed to service and maintain holding tanks at an annual fee that does not exceed those fees charged to similar users physically connected to the sewers of the district.
- d. The discharge is not seasonal and located on the mainland or on an island connected to the mainland by a vehicle bridge or by scheduled car ferry service.

4. RECEIVING WATER USES

The Department has requested comments from the Department of Marine Resources (DMR). These comments indicate the following:

The discharge is into a shellfish harvesting area that is currently closed to the harvesting of shellfish. The area is closed because licensed overboard discharge systems discharge into these receiving waters. These discharges have the potential for malfunction and the possibility of bacterial contamination of the shellfish poses a threat to public health; therefore, the DMR has closed the receiving waterbody to the harvesting of shellfish.

Based on the above Findings of Fact, and subject to the Conditions listed below, the Department makes the following conclusions:

- A. The proposed discharge so licensed, by itself, or in combination with other discharges, will lower the quality of any classified body of water below such classification.
- B. The proposed discharge as licensed, will not receive Best Practicable Treatment.

091

THEREFORE, the Department DENIES the application of ALBERT SIROIS, for a waste discharge license to discharge 300 gallons per day of treated sanitary wastewater, to Little River, Class SB, in East Boothbay; but APPROVES a Conditional Permit for the same, subject to the following conditions and all applicable standards and regulations.

1. Standard and Special Conditions, copy attached.
2. Except as described below, this permit will expire ten (10) years from its effective date. The permit will expire in five (5) years if appropriate processing and licensing fees are not paid on or before the fifth anniversary date. If the Department offers the permittee a grant of money for the purpose of removing the discharge, the permit shall expire six (6) months from the date of that offer.
3. The amount of effluent being discharged and the number of months the discharge occurs can not be increased in accordance with 38 M.R.S.A. §464. sub-§4. ¶ A (6).

DONE AND DATED AT AUGUSTA, MAINE, THIS 11th DAY OF May, 1994.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Maureen Kerpahch
Debrah J. Richard, Acting Commissioner

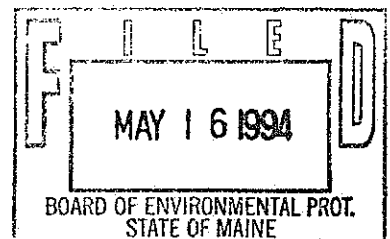
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application October 4, 1993
Date of application acceptance October 4, 1993
This Order corrects an Order issued on March 30, 1994

Date filed with Board of Environmental Protection _____

This Order prepared by PAMELA PARKER, Bureau of LAND AND WATER QUALITY

PDP/gmr W364840C 5/11/94



STANDARD CONDITIONS FOR OVERBOARD DISCHARGES (REVISED 1/7/93)

APPENDIX A
LESS THAN 2,000 GALLONS PER DAY

- A. The discharge shall be consistent with the terms and conditions of this license/permit; any changes or planned changes in the estimated discharge volume must be reported to the Department. Changes which increase the estimated discharge volume are prohibited. Determination of volume increases shall be based on wastewater design flows described in CMR Chapter 241 Section 7, the Subsurface Wastewater Disposal Rules (the "Plumbing Code"). Actions that may affect estimated volume include but are not limited to: 1. Residential sources: construction of additional bedrooms, certain renovations or construction to the existing dwelling, construction of additional dwellings, or waste discharge connections from mobile homes or recreational vehicles. 2. Commercial sources: construction or renovations that would increase restaurant seating, room capacity or other modifications. Changes or modifications to discharge characteristics without Department notification is a violation of this license/permit.
- B. The staff of the Department shall have the right of entry for the purpose of inspecting the treatment system and examining records.
- C. Flow measuring facilities of a design approved by the staff of the Department may be required to be installed at any time during the operation of the treatment facilities.
- D. Sampling facilities of a design approved by the staff of the Department shall be installed at a time prior to the operation of the treatment facilities. Access for periodic sampling and maintenance must be ensured. Disinfection unit and sampling port covers must be accessible at all times.
- E. The staff of the Department will be notified immediately of any malfunction of any component of the wastewater treatment system. In the event the wastewater treatment system malfunctions, the wastewater discharge is to cease within 24 hours unless authorization to the contrary is obtained from the staff of the Department.
- F. Periodic operational reports in such form and containing such information as the Department may require shall be completed and signed by the licensee/permittee and submitted to the staff of the Department.
- G. All wastewaters will be consigned to a municipal treatment system when said municipal system becomes available. This waste discharge license/permit will automatically expire 90 days after a municipal facility becomes available unless this time is extended by the Board, in writing, for good cause shown.
- H. Treatment facilities will be installed according to Department specifications and be operational prior to the discharge of any wastewaters.

- I. The final effluent pipe must be placed in the receiving waters in such a manner that mixing and effective dispersion of the wastewaters will be achieved and that contact with the effluent will be minimized.
- J. Chlorination shall be used as a means of disinfection. A minimum detention time of 20 minutes in an approved contact chamber shall be provided at all times. The total chlorine residual in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving water. At no time shall the total chlorine residual of the effluent exceed 1.0 mg/L
- K. The pH of the effluent shall not be less than 6.0 or greater than 8.5.
- L. The effluent shall contain no visible oil sheen, foam, or floating solids.
- M. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life; or which would impair the uses designated by the classification.
- N. Notwithstanding specific conditions of this license/permit the effluent must not lower that water quality standards or impair the uses designated by the classification of the receiving waters.
- O. The discharge shall not cause turbidity or visible discoloration in the receiving waters to exceed control values measured upstream of the discharge point which would impair the uses of the receiving waters designated by the classification.
- P. The licensee/permittee shall not discharge or cause to be discharged any materials designated as hazardous or toxic under the provision of Section 12, Federal Water Pollution Control Act, as amended, 33 U.S.C. 1162 (1971) or by the Department or which are known by the licensee/permittee to be hazardous or toxic.
- Q. This license/permit does not preclude obtaining other required Federal, State or Municipal permits.
- R. The issuance of this license/permit does not convey any property rights or authorize injury to public or private property.
- S. The effluent from the treatment system shall not exceed the following limits:

Five day biological oxygen demand (BOD) and total suspended solids (TSS).

30 mg/L Monthly Average Concentration

60 mg/L Daily Maximum Concentration

094

Settleable Solids 0.1 ml/L

Fecal Coliform Bacteria 200/100 ml

- T. The weekly average volume of the discharge shall not exceed the volume specified in the attached findings of fact.
- U. The licensee/permittee shall pay an annual inspection fee to the Department. Payment of the fee shall be due within 60 days after receiving a bill from the Department.
- V. In the event that any person possessing a license/permit issued by the Department shall transfer the ownership of the property, facility or structure which is the source of a licensed discharge, without transfer of the license/permit being approved by the Department, the license/permit granted by the Department shall continue to authorize a discharge within the limits and subject to the terms and conditions stated in the license/permit, provided that the parties to the transfer shall be jointly and severally liable for any violation thereof until such time as the Department approves transfer of issuance of a waste discharge license/permit to the new owner. The Department may in its discretion require the new owner to apply for a new license/permit, or may approve transfer of the existing license/permit upon a satisfactory showing that the new owner can abide by its terms and conditions.

SPECIAL CONDITIONS FOR MECHANICAL TREATMENT SYSTEMS

- W. Periodic cleaning of the disinfection unit housing chamber may be necessary for removal and proper disposal of any solid material buildup. The licensee/permittee shall maintain a service contract for any and all treatment equipment and facilities with a service organization acceptable to the Department. A signed copy of the service contract must be forwarded or presented to the Department staff upon request.
- X. An alarm system which is operated on an independent source of power and of a design approved by the Department staff will be installed. The alarm system must be connected to a central location.
- Y. A tag, provided by the service contractor, shall be attached to the treatment system or displayed near the treatment system in an accessible manner. The tag shall show the name of the service contractor, the date of the most recent visit by the service contractor and the initials of the person conducting the service.

SPECIAL CONDITIONS FOR SANDFILTER SYSTEMS

- Z. At least three days prior to the construction of the sandfilter the licensee/permittee shall contact the Department staff in order that an inspection of the construction may be made.
- AA. The licensee/permittee shall ensure that the septic tank is pumped at least once every three years. Periodic cleaning of the disinfection unit housing chamber may be necessary for removal and proper disposal of any solid material buildup.

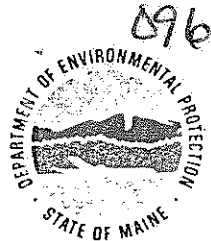
DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE PERMIT THE FOLLOWING DEFINITIONS SHALL APPLY

- A. Daily Maximum for Concentration: The maximum value not to be exceeded by any composite of grab samples.
- B. Monthly Average for Concentration: The total discharge by weight during a calendar month divided by the number of days in the month that the facility was operating. Where less than daily sampling is required by this license/permit, the monthly average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.
- C. Licensee/Permittee: The person identified in the findings of fact as being granted the license or conditional permit by the Department.

WSANITRY

3/3/94



STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN R. McKERNAN, JR.
GOVERNOR

DEAN C. MARRIOTT
COMMISSIONER

DEBRAH RICHARD
DEPUTY COMMISSIONER

May 12, 1994

Albert Sirois
Box 730
Boothbay, ME 04537

RE: Waste Discharge Conditional Permit #W003648-40-C-R

Dear Mr. Sirois:

Enclosed is the corrected copy of your Waste Discharge Conditional Permit which was approved by the Department of Environmental Protection.

Sincerely,

Pamela Parker
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enclosures

/gmr



DR TURN DORF

Form DEPLW1072
September 30, 2009

697

Maine Department of Environmental Protection

GENERAL APPLICATION
OVERBOARD DISCHARGE (OBD) < 2,000 GPD

WDL Application #: W003048-SA-D-R Municipality: BOOTHBAY
Application for: ☐ Residential ☐ Commercial
☐ Renewal ☐ Transfer ☐ Renewal & Transfer ☐ Amendment

STEP 1. Applicant/Facility Information

1. Applicant Name: ALBERT SIRUIS
 2. Mailing Address: P.O. Box 2, East Boothbay, ME 09599
 3. Phone Number: 207-633-5363 e-mail: -
 4. OBD Facility E-911 Street Address: 33 TECUMSEH TRL, EBB.
- Is this application for the **transfer** of an existing license? ☐ Yes ☒ No If "Yes", include evidence of title, right or interest in the property (e.g., copy of deed, lease or easement, or option to buy or lease agreement).
 - Is this application for a **commercial** OBD license? ☐ Yes ☒ No If "Yes", include supplemental application form DEPLWXXXX.

STEP 2. Site Evaluation

Prior to license renewal and/or transfer, a Licensed Site Evaluator (LSE) with demonstrated experience in designing replacement systems for OBDs must evaluate the property to determine whether there is a technologically-feasible alternative to the OBD system. **You must submit a copy of the LSE's report of findings with this application.** Check the appropriate box below.

- ☐ A qualified LSE has determined that the OBD system CAN be replaced with a subsurface alternative, but I have not been offered grant money for the removal of the OBD.
- ☒ A qualified LSE has determined that the OBD system CANNOT be replaced.

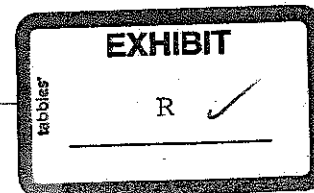
STEP 3. Facility Information

Department rule, 06-096 CMR 596, requires that the licensed discharge volume be limited to the lesser of the volume limit of the previous license or the volume equal to the actual or estimated volume produced by the facility connected to the OBD during the 12-month period prior to June 1, 1987. Please provide the following information. Estimated flow is based on the number of bedrooms. See Page 2 of this application.

1. How many dwellings were connected to the OBD as of June 1, 1987? 1
2. Total number of bedrooms in all dwellings as of June 1, 1987? 1
3. Type of use as of June 1, 1987? ☒ year-round ☐ seasonal ☐ not determined
 - If "not determined" is checked, the renewed license will be issued for seasonal use only unless you certify that the facility was used on a year-round basis as of June 1, 1987.

Check one:

- ☒ I certify that the facility was used on a year-round basis as of June 1, 1987.
- ☐ I concur that the facility was used on a seasonal basis only as of June 1, 1987.



098

Maine Department of Environmental Protection
General Application Overboard Discharge (OBD) < 2,000 GPD

4. If you have a *mechanical OBD system*, you must maintain a service contract with a Department-approved, Grade II wastewater treatment operator or Maine Registered Professional Engineer.
Do you have a current contract? ☐ Yes ☒ No Contractor name? _____

STEP 4. Public Notice

1. Complete the PUBLIC NOTICE form attached to this application.
2. The notice must be mailed by certified mail or Certificate of Mailing to abutters, as determined by local tax records or other means, and to the municipal office of the municipality(ies) where the OBD is located. Alternatively, an applicant may hand-deliver the public notice provided each abutter provides written, signed receipt of the notification.

STEP 5. Certification of Application Information and Authorized Signature

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- ☐ I understand that by signing below, I (the applicant or authorized agent) certify that I have:
1. Sent a completed copy of the Public Notice to the owners of the property abutting the land upon which the OBD is located within 30 days of filing of the application; and
 2. Sent a completed copy of the Public Notice by certified mail and filed a duplicate of this application and supplemental materials with the town clerk or city clerk of the municipality where the OBD is located.

**SIGNATURE
REQUIRED**

Signature

Print name and title of applicant

Date

Additional Signature(s)

Print name and title of additional applicants

Date

Additional Signature(s)

Print name and title of additional applicants

Date

If there are multiple properties connected to the treatment system authorized by this license, all property owners contributing wastewater flows to the OBD must sign this application or authorize one party to act as the agent.

License flow limitations based on total number of bedrooms in existence as of June 1, 1987.

TOTAL NUMBER OF BEDROOMS AS OF JUNE 1, 1987	LICENSED FLOW LIMITATION IN GALLONS PER DAY (GPD)
3 OR LESS	300
4	360
5	450
6	540
7	630
8	720
9	810
10	900
Each additional bedroom	90

PUBLIC NOTICE
MAINE WASTE DISCHARGE LICENSE APPLICATION

Please take note that, pursuant to 38 MRSA, Sections 413 and 414-A, SIDIS RIVER of
(name)

Beechboro intends to file a wastewater discharge license application with the Department of
(address)

Environmental Protection (DEP). The application is for the discharge of 300 gpd of
(volume)

secondary treated sanitary wastewater to the Little River in Beechboro Maine.
(receiving water) (municipality)

The application will filed on or about JAN 8, 2010 and will be available for public inspection at DEP's
(date)

Augusta office during normal business hours. A copy may also be seen at the municipal offices in

Beechboro, Maine
(municipality)

A request for a public hearing or request that the Board of Environmental Protection assume jurisdiction over this application must be received by the DEP, in writing, no later than 20 days after the application is found acceptable for processing, or 30 days from the date of this notice, whichever is longer. Requests shall state the nature of the issue(s) to be raised. Unless otherwise provided by law, a hearing is discretionary and may be held if the Commissioner or the Board finds significant public interest or there is conflicting technical information.

Public comment will be accepted until a final administrative action is taken to approve, approve with conditions or deny this application. Written public comments or requests for information may be made to the address below.

Submit completed application to:

Department of Environmental Protection
Division of Water Quality Management
Waste Discharge License Coordinator
17 State House Station
Augusta, ME 04333-0017
207-287-3901

100